



# Journal of the Senate

Number 19

Wednesday, April 24, 1991

## CALL TO ORDER

The Senate was called to order by the President at 2:00 p.m. A quorum present—40:

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey

## PRAYER

The following prayer was offered by Senator Brown:

Dear Lord, we are limited by both time and energy. Please help us to understand that success is not to be measured by the number of bills passed or even by the length of our session, but rather by how well the people have been served.

As the God of Grace, give us the grace to consider needs above greed. As the God of all truth, give us the wisdom to place priority above privilege. As the God of all love, give us a spirit of compassion and concern and not contentiousness. As the giver of all our abilities, Dear God, please be the supplier of contentment and satisfaction with all that you give us the ability to accomplish.

In your Holy Name, we pray. Amen.

## CONSIDERATION OF RESOLUTION

On motion by Senator Thomas, by two-thirds vote **SR 2442** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Thomas—

**SR 2442**—A resolution recognizing, commending, and expressing appreciation to secretaries on the occasion of National Secretaries' Day.

WHEREAS, an efficient, loyal, and congenial secretary is necessary to the success of every employer, and

WHEREAS, the outstanding accomplishments of secretaries, who routinely work under demanding and hectic conditions, all too often go unrecognized, and

WHEREAS, April 24, 1991, has been set aside as National Secretaries' Day, and

WHEREAS, the Senate wishes to recognize and commend the professional services of secretaries and express its appreciation for those services, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Senate hereby recognizes and praises secretaries throughout the state for their outstanding accomplishments and professionalism and hereby expresses its gratitude to them for their dedicated service to the success of their employers.

BE IT FURTHER RESOLVED that special thanks be given to those secretaries, who, with unwavering loyalty and dedication, tirelessly and selflessly serve the members and staff of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and adopted. The vote on adoption was:

Yeas—37      Nays—None

## LOCAL BILLS

**SB 550**—A bill to be entitled An act relating to Alachua County; amending ss. 1(1), (2)(a), 3(2)(b), ch. 84-388, Laws of Florida, as amended by s. 1, ch. 86-342, Laws of Florida; providing that deputy sheriffs are deemed public employees and enjoy all rights granted public employees by law, including the protections afforded to law enforcement officers by pt. VI, ch. 112, F.S., and the right to engage in collective bargaining; repealing a provision relating to the rehiring of sheriff's employees who have been placed on disciplinary probation for periods of 6 months or more; eliminating the requirement that the sheriff review all complaints against employees and permitting the sheriff to review such complaints at his discretion; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **SB 550** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 953**—A bill to be entitled An act relating to the Golden Gate Fire Control and Rescue District, Collier County; amending chapter 87-498, Laws of Florida, as amended; revising language to change type of payment received by fire commissioners from salary to stipend; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 953** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 957**—A bill to be entitled An act relating to the South Trail Fire Protection and Rescue Service District, Lee County; amending s. 5(2), chapter 76-412, Laws of Florida, as amended; increasing the maximum millage rate that may be levied by the district board of commissioners; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 957** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1013**—A bill to be entitled An act relating to the East Beach Water Control District, Palm Beach County, created by chapter 22877, Laws of Florida, 1945, as amended, amending chapter 75-469, Laws of Florida, to provide compensation pursuant to s. 298.14, F.S., to governing board members; establishing a maintenance tax cap of \$50 per acre in any one year; providing an effective date.

—was read the second time by title. On motion by Senator Weinstock, by two-thirds vote **HB 1013** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1099**—A bill to be entitled An act relating to the City of Jacksonville Beach, Duval County; amending chapter 27643, Laws of Florida, 1951, as amended, being the Employees' Retirement System of the City of Jacksonville Beach, to make changes recommended by the Board of Trustees of the retirement system and the City Council, so as to change the vesting time, increase the final average compensation for retirements after September 30, 1990, to a maximum of 75 percent for the general group and 90 percent for firefighter and police officer groups, plus 2 percent per year after 30 years' service, and increasing the percentage of compensation to be paid by these groups accordingly; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote **HB 1099** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1133**—A bill to be entitled An act relating to the Immokalee Fire Control District, Collier County; amending section 1 of chapter 30666, Laws of Florida, 1955, as amended; expanding the boundaries of the district; providing for a referendum.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 1133** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1251**—A bill to be entitled An act relating to the Greater Orlando Aviation Authority, Orange County; amending chapter 57-1658, Laws of Florida, as amended, relating to the acquisition of property to satisfy mitigation requirements; providing an effective date.

—was read the second time by title. On motion by Senator Crotty, by two-thirds vote **HB 1251** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1269**—A bill to be entitled An act relating to Orange County; amending chapter 80-555, Laws of Florida; adding a member to the governing board of the Orange County Library District; providing that the additional member shall be appointed by the City Council of the City of Orlando; providing for terms of the appointment; providing budget and audit reporting requirements for the Orange County Library Board of Trustees; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote **HB 1269** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1281**—A bill to be entitled An act relating to the Jacksonville Port Authority; amending chapter 63-1447, Laws of Florida, as amended, authorizing the Jacksonville Port Authority to make purchases in excess of \$12,000 only after advertisement of notice and award to the lowest bidder; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote **HB 1281** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1321**—A bill to be entitled An act relating to the City of Punta Gorda, Charlotte County; amending chapter 79-558, Laws of Florida, as amended, increasing maximum annual special assessment levies with respect to special taxing districts for the maintenance of canals, waterways, and navigable channels; repealing chapter 90-429, Laws of Florida, relating thereto, to conform with this act; providing a referendum.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote **HB 1321** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1477**—A bill to be entitled An act relating to Hillsborough County; repealing chapter 29130, Laws of Florida, Acts of 1953, as amended, pertaining to plats and platting of land in Hillsborough County; repealing chapter 57-1395, Laws of Florida, pertaining to conveying real property by metes and bounds description for the purpose or intent of avoiding compliance with the provisions of chapter 29130, Laws of Florida, Acts of 1953, as amended; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 1477** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1479**—A bill to be entitled An act relating to Hillsborough County; repealing section 1 of chapter 83-414, Laws of Florida, and section 1 of chapter 88-495, Laws of Florida, relating to the Hillsborough

County Board of Criminal Justice; transferring its assets and liabilities to the Board of County Commissioners of Hillsborough County; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote **HB 1479** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1485**—A bill to be entitled An act relating to Hillsborough County; amending chapter 84-447, Laws of Florida; revising the composition of the membership of the Tampa Port Authority; providing for the filling of vacancies; providing an effective date.

—was read the second time by title. On motion by Senator Davis, by two-thirds vote **HB 1485** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1533**—A bill to be entitled An act relating to the designation of state historic highways; designating a portion of roadway in Orange County as the "Old Opopka Road Historic Roadway"; providing for the erection of suitable markers; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote **HB 1533** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1551**—A bill to be entitled An act relating to Lehigh Acres Fire Control and Rescue District, Lee County; amending chapter 63-1546, Laws of Florida, as amended; allowing the fire control board to conduct fire inspections and to inspect fire protection systems; allowing the board to provide services outside the district, in cooperation with other governmental entities; providing for rulemaking; allowing reasonable fees and providing for fee collection; increasing the maximum millage that may be levied by the district; providing for a referendum; providing effective dates.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 1551** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1553**—A bill to be entitled An act relating to the Delray Beach Downtown Development Authority, Palm Beach County; amending chapter 71-604, Laws of Florida; expanding the Downtown Development Authority area description to include properties eastward of the Intracoastal Waterway, northward of current downtown development authority area to include those properties lying South of N.E. 4th Street, southward of the current Downtown Development Authority area to include those properties lying North of S.E. 3rd Street, bounded generally on the west by N.E. 1st Avenue, all such properties lying within the municipal boundaries of the City of Delray Beach; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Weinstock, by two-thirds vote **HB 1553** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1591**—A bill to be entitled An act relating to the Manatee County Fire Prevention Code Enforcement Board and the Manatee County Fire Marshal Appeals Board; amending section 3 of chapter 85-461, Laws of Florida, as amended; providing a revised date of repeal; providing an effective date.

—was read the second time by title. On motion by Senator McKay, by two-thirds vote **HB 1591** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1595**—A bill to be entitled An act relating to Manatee County; repealing chapter 63-1595, Laws of Florida, which provides for the definition, licensing, and bonding of well drillers within Manatee County and regulates the digging, drilling, driving, or boring of wells and/or test holes or the rehabilitation capping or plugging of wells or test holes; providing an effective date.

—was read the second time by title. On motion by Senator McKay, by two-thirds vote **HB 1595** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1611**—A bill to be entitled An act relating to Martin County; amending chapter 63-1619, Laws of Florida; excluding the area within the corporate limits of the City of Stuart from county provisions regulating the issuance of special alcoholic beverage licenses; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 1611** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1627**—A bill to be entitled An act relating to Lee County; amending ss. 1, 2, 3, 4, and 6 of ch. 309.25, Laws of Florida, 1955, as amended; redesignating the North Fort Myers Fire Control District as the North Fort Myers Fire Control and Rescue Service District; authorizing operation and maintenance of rescue services; revising the description of the territory of the district to incorporate deletions of territory from the district by s. 1, ch. 76-400, Laws of Florida, and s. 1, ch. 89-523, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 1627** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1695**—A bill to be entitled An act relating to Manatee County; amending chapter 85-454, Laws of Florida, as amended; increasing the impact fees levied by the Braden River Fire Control and Rescue District; providing an effective date.

—was read the second time by title. On motion by Senator McKay, by two-thirds vote **HB 1695** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1947**—A bill to be entitled An act relating to the Bayshore Fire Protection and Rescue Service District, Lee County; amending chapter 76-414, Laws of Florida; authorizing the district board of commissioners to employ personnel for the operation of a fire and rescue department; removing the limit on maximum accumulative debt that may be incurred by the district; authorizing the district to acquire rescue equipment; authorizing the use of district funds for rescue equipment; authorizing the district to adopt rules for the operation of a rescue service; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 1947** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 2021**—A bill to be entitled An act relating to the Escambia County Utilities Authority; amending chapter 81-376, Laws of Florida, as amended; providing that a fine, forfeiture, or penalty exceeding \$500 but not exceeding \$2,000 per day may be imposed for violation of authority rule or regulation when necessary to carry out a federally mandated program; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **HB 2021** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 2035**—A bill to be entitled An act relating to the Fort Myers Beach Library District, Lee County; amending s. 5, ch. 65-1823, Laws of Florida; deleting provisions relating to acceptance of the district's annual budget by the Board of County Commissioners of Lee County or the Lee County Tax Assessor; amending s. 8, ch. 65-1823, Laws of Florida; requiring the Lee County Tax Collector to distribute taxes collected on behalf of the district in the manner prescribed by general law; amending s. 10, ch. 65-1823, Laws of Florida; requiring the treasurer of the district to make a report at each regular meeting of the district board; deleting the duty to file a copy of the report with the Lee County Board of County Commissioners; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 2035** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 2281**—A bill to be entitled An act relating to Lee County; amending s. 9, chapter 63-1552, Laws of Florida, as amended; deleting the requirement that a candidate for the board must include in his qualifying oath a statement that he will receive no compensation for his services as a director; amending s. 11, chapter 63-1552, Laws of Florida, as amended; providing that members of the board may be compensated for their services as such and for travel expenses; providing that the board may grant board members the same privileges, benefits, and allowances that are provided to hospital staff and volunteers; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 2281** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 2311**—A bill to be entitled An act relating to Manatee County; amending chapter 82-321, Laws of Florida, relating to lot-clearing requirements for Manatee County; deleting certain kinds of noxious materials from such requirements; providing an exemption from such requirements for environmentally sensitive areas; providing an effective date.

—was read the second time by title. On motion by Senator McKay, by two-thirds vote **HB 2311** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 2499**—A bill to be entitled An act relating to the Sebring Airport Authority, Highlands County; amending chapter 67-2070, Laws of Florida; allowing the authority to budget and use certain funds for promotion and public relations; providing an effective date.

—was read the second time by title.

Senator Dantzler moved **Amendment 1** which was adopted.

On motion by Senator Dantzler, by two-thirds vote **HB 2499** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 2599**—A bill to be entitled An act relating to Marion County; creating the Silver Springs Shores Incorporation Review Committee; providing for membership; providing for duties; providing for a ballot with respect to incorporation; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote **HB 2599** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**HB 1127**—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending chapter 69-1469, Laws of Florida, as amended; revising the authorized investments by the trustees of the pension funds of the city; allowing the trustees of the pension funds of the city, separately or in any combination thereof, together with the city to contract with investment banks; providing for the repeal of conflicting laws; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **HB 1127** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

## SPECIAL ORDER

Consideration of **CS for SB 46** was deferred.

**SB 430**—A bill to be entitled An act relating to weatherization of residences of low-income households; providing intent and definitions; providing duties of the Department of Community Affairs; providing requirements for weatherization; providing for benefits; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended **Amendment 1** which was moved by Senator Girardeau and adopted.

Senator Girardeau moved **Amendments 2 and 3** which were adopted.

On motion by Senator Girardeau, by two-thirds vote **SB 430** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40      Nays—None

**CS for SB 46**—A bill to be entitled An act relating to public records; amending s. 570.544, F.S.; providing a limited exemption from s. 119.07(1), F.S., for certain records and information obtained by the Department of Agriculture and Consumer Services or by any other office or agency during the investigation of consumer complaints and alleged violations of consumer protection laws; providing for future review and repeal of such public records exemptions; providing an effective date.

—was read the second time by title.

Senator Grant moved **Amendments 1 and 2** which were adopted.

On motion by Senator Grant, by two-thirds vote **CS for SB 46** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34      Nays—1

**CS for CS for SB 516**—A bill to be entitled An act relating to health planning; amending s. 186.003, F.S.; defining the term "Statewide Health Council"; amending s. 186.022, F.S.; requiring the Executive Office of the Governor to consider findings of the Statewide Health Council's review of agency functional plans; amending s. 186.503, F.S.; defining the terms "local health council" and "Statewide Health Council"; amending s. 186.507, F.S.; requiring memoranda of agreement between regional planning councils and local health councils; amending s. 186.508, F.S.; requiring the Executive Office of the Governor to consider findings of the Statewide Health Council's review of comprehensive regional policy plans; amending s. 186.511, F.S.; requiring involvement of local health councils in the evaluation of the health element of comprehensive regional policy plans; amending s. 187.201, F.S.; substantially rewording the health element of the state comprehensive plan; revising goals and policies; amending s. 381.703, F.S.; providing a schedule for appointing local health council members; revising the functions of the local health councils; changing the composition of the Statewide Health Council; revising the functions of the Statewide Health Council; requiring the Department of Health and Rehabilitative Services to assist the Statewide Health Council in preparing a state health plan and provide orientation to local health council members; authorizing the Department of Health and Rehabilitative Services to withhold funds from or cancel contracts with local health councils under certain circumstances; providing an appropriation; amending s. 401.291, F.S.; revising a training requirement for the use of an automatic external defibrillator; repealing s. 381.025, F.S., relating to long-range health planning; providing an effective date.

—was read the second time by title.

Senator Jenne moved **Amendments 1, 2 and 3** which were adopted.

On motion by Senator Malchon, by two-thirds vote **CS for CS for SB 516** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39      Nays—None

**CS for SB 2240**—A bill to be entitled An act relating to unemployment compensation; providing that certain persons unemployed as a result of a labor dispute are eligible for unemployment compensation benefits under specified circumstances; providing for expiration of the provision; providing an effective date.

—was read the second time by title. On motion by Senator Souto, by two-thirds vote **CS for SB 2240** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26      Nays—13

On motion by Senator Wexler, by unanimous consent—

**CS for SB 2292**—A bill to be entitled An act relating to telecommunications services; creating part III of ch. 427, F.S.; creating the "Telecommunications Access System Act of 1991"; providing legislative find-

ings and intent; providing definitions; providing powers and duties of the Florida Public Service Commission; requiring the commission to establish and administer a statewide telecommunications service system for hearing-impaired and speech-impaired persons; authorizing the commission to select a provider of such service; authorizing the commission to impose a surcharge to pay for the costs of such system; providing for collection of the surcharge; providing for a collection allowance; excluding the surcharge from certain taxes; authorizing the commission to adopt rules; requiring the commission to report to the Legislature; providing for administration of a telecommunications service system; providing for appointment of an administrator; providing powers and duties of the administrator; providing for annual audit; requiring the administrator to report to the commission; requiring the commission to appoint an advisory committee; providing for membership, duties, and travel and per diem of the committee; providing exemption from liability; requiring certain public safety and health providers to purchase and operate TDD's; amending s. 229.8361, F.S.; providing additional duties and responsibilities of the Florida Council for the Hearing Impaired; providing an appropriation; repealing ss. 427.501-427.508, F.S., relating to communication services for the deaf; providing an effective date.

—was taken up out of order and read the second time by title.

The Committee on Finance, Taxation and Claims recommended **Amendments 1 and 2** which were moved by Senator Wexler and failed.

On motion by Senator Wexler, by two-thirds vote **CS for SB 2292** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

## RECONSIDERATION

On motion by Senator Wexler, the rules were waived and the Senate reconsidered the vote by which **CS for SB 2292** passed.

On motions by Senator Wexler, by two-thirds vote **HB 2427** was withdrawn from the Committees on Commerce; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Wexler—

**HB 2427**—A bill to be entitled An act relating to telecommunications services; creating part III of ch. 427, F.S.; creating the "Telecommunications Access System Act of 1991"; providing legislative findings and intent; providing definitions; providing powers and duties of the Florida Public Service Commission; requiring the commission to establish and administer a statewide telecommunications service system for hearing impaired and speech impaired persons; authorizing the commission to select a provider of such service; authorizing the commission to impose a surcharge to pay for the costs of such system; providing for collection of the surcharge; providing for a collection allowance; excluding the surcharge from certain taxes; authorizing the commission to adopt rules; requiring the commission to report to the Legislature; providing for administration of a telecommunications service system; providing for appointment of an administrator; providing powers and duties of the administrator; providing that certain information provided to the Florida Public Service Commission or administrator is exempt from the public records law; providing for annual audit; requiring the administrator to report to the commission; requiring the commission to appoint an advisory committee; providing for membership, duties, and travel and per diem of the committee; providing exemption from liability; imposing certain requirements on public safety or health care providers; amending s. 229.8361, F.S.; providing additional duties and responsibilities of the Florida Council for the Hearing Impaired; providing an appropriation; providing for future repeal of ss. 427.501-427.508, F.S., relating to communication services for the deaf; providing an effective date.

—a companion measure, was substituted for **CS for SB 2292** and read the second time by title. On motion by Senator Wexler, by two-thirds vote **HB 2427** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

**CS for CS for SB 2212**—A bill to be entitled An act relating to the correctional system and sentencing; creating s. 948.51, F.S.; creating the "Community Corrections Partnership Act"; providing legislative intent; providing for eligibility of counties to contract; authorizing Department of Corrections to administer and award funds to counties; providing for

departmental responsibilities; providing purposes for which funds may be used; providing for level of spending and eligibility for continued funding; establishing the Community Corrections Assistance Trust Fund; amending s. 951.23, F.S.; amending the definition of county detention facility; creating s. 950.002, F.S.; providing for county work camps; providing for bed designations; authorizing interlocal agreements; providing criteria for sentencing offenders to a work camp; providing for ownership by the Department of Corrections upon contract termination; authorizing insurance of county work camps by the Division of Risk Management of the Department of Insurance; establishing the Community Corrections Construction Trust Fund; amending s. 921.187, F.S.; providing for reverse split probation sentencing and other community-based sanctions; amending s. 944.025, F.S.; expanding eligibility for pretrial intervention program; amending s. 944.026, F.S.; expanding the use of probation and restitution centers; limiting the types of offenders which may be accepted for residence at the center; amending s. 944.033, F.S.; designating use of community correctional centers; amending s. 948.001, F.S.; creating sentencing options and definitions of "administrative probation," "drug offender probation," and "youthful offender probation"; amending s. 948.01, F.S.; providing for placement of offenders into drug offender probation and youthful offender probation; amending s. 948.10, F.S.; increasing number of offenders per officer; amending s. 951.26, F.S.; providing for additional duties and members for county correctional planning committees; amending s. 958.03, F.S.; defining youthful offender probation; amending s. 946.504, F.S.; authorizing the department to deposit certain funds into the grants and donations trust fund; requiring a study of private felony supervisors; requiring a study of county and municipal detention facilities; providing effective dates.

—was read the second time by title.

Eleven amendments were adopted to CS for CS for SB 2212 to conform the bill to HB 2373.

Pending further consideration of CS for CS for SB 2212 as amended, on motions by Senator Bruner, by two-thirds vote HB 2373 was withdrawn from the Committees on Corrections, Probation and Parole; Community Affairs; and Appropriations.

On motion by Senator Bruner—

**HB 2373**—A bill to be entitled An act relating to the correctional system and sentencing; amending s. 945.30, F.S.; increasing the required minimum amount, and reenacting ss. 946.40(5), 947.1405(2), 948.01(10), and 948.06(4), F.S., relating to use of prisoners in public works, conditional release, probation, and community control, to incorporate said amendment in references thereto; creating s. 948.50, F.S.; creating the "Community Corrections Partnership Act"; creating s. 948.51, F.S.; providing legislative intent; providing for eligibility of counties to contract with the Department of Corrections; authorizing the Department of Corrections to enter into contracts with counties; providing for departmental responsibilities; providing purposes for which contracts may be entered into; providing for level of spending and eligibility for continued funding pursuant to such contracts; establishing the Community Corrections Assistance Trust Fund; amending s. 951.23, F.S.; amending the definition of county detention facility, and reenacting ss. 921.18, 951.062(1), and 951.22(1), F.S., relating to indeterminate sentencing, contractual arrangements for operation of county detention facilities, and contraband articles in county detention facilities, to incorporate said amendment in references thereto; creating s. 950.002, F.S.; providing for county work camps; providing for bed designations; authorizing interlocal agreements; excluding certain violent offenders; providing for ownership by the department upon contract termination; authorizing insurance of county work camps by the Division of Risk Management; establishing the Community Corrections Construction Trust Fund; amending s. 921.187, F.S.; providing for reverse split probation sentencing and other community-based sanctions; amending s. 944.025, F.S.; expanding eligibility for the pretrial intervention program; amending s. 944.026, F.S.; expanding the use of probation and restitution centers; limiting the types of offenders who may be accepted for residence at the center, and reenacting ss. 948.03(9)(a) and 958.04(2)(b), F.S., relating to terms and conditions of probation or community control and judicial disposition of youthful offenders, to incorporate said amendment in references thereto; amending s. 944.033, F.S.; designating the use of community correctional centers; amending s. 948.001, F.S.; creating sentencing options and definitions of "administrative probation" and "drug offender probation"; amending s. 948.01, F.S.; providing for reverse split probation sentencing, for placement of offenders into drug offender probation, and for split probation sentencing with authority in the Department of Corrections to

place a low-risk offender on administrative probation after completion of half his regular probation; amending s. 948.10, F.S.; increasing the number of offenders per officer; amending s. 951.26, F.S.; providing for additional duties and members for county correctional planning committees; amending s. 944.17, F.S.; including chief correctional officers among those required to perform certain recordkeeping requirements on prisoners placed in state custody; prescribing other duties of the chief correctional officer; amending s. 944.32, F.S.; providing for the filing of jail inspection reports with the officer in charge of the facility and the board of county commissioners rather than the clerk of the circuit court; amending s. 950.02, F.S.; deleting the requirement that the Governor first be notified of the need to remove a prisoner from a jail in certain circumstances; amending s. 5, ch. 90-337, Laws of Florida; providing for responsibility of medical expenses of state prisoners; amending s. 944.605, F.S.; specifying who is responsible for notification upon an inmate's release; amending s. 947.175, F.S.; providing for notification, if so requested, upon approval to participate in a community work release program; amending s. 947.177, F.S.; defining who is to provide notification upon an inmate's release; repealing ss. 917.012, 917.014, 917.016, 917.017, 917.018, 917.021, F.S., relating to the identification and disposition of mentally disordered sex offenders; renumbering and amending s. 917.019, F.S.; allowing the Department of Health and Rehabilitative Services to establish programs to train persons to provide residential, as well as postdischarge, treatment for such offenders; providing for interdepartmental coordination; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 2212 and read the second time by title.

Senator Bruner moved **Amendment 1**.

Senator Grant moved **Amendment 1A** which was adopted.

**Amendment 1** as amended was adopted.

Senator Bruner moved **Amendment 2**.

Senator Grant moved **Amendment 2A** which was adopted.

**Amendment 2** as amended was adopted.

On motion by Senator Bruner, by two-thirds vote HB 2373 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—1

Consideration of CS for CS for SB 634 was deferred.

**SB 1028**—A bill to be entitled An act relating to boating safety; amending s. 327.02, F.S.; defining the terms "marked navigation channel" and "miles per hour" for the purposes of the "Florida Vessel Registration and Safety Law"; creating s. 327.462, F.S.; providing for vessel speed limits; providing exceptions; providing an effective date.

—was read the second time by title.

Senator Gardner moved **Amendment 1** which was adopted.

Senator Myers moved **Amendment 2**.

Senator Gardner moved **Substitute Amendment 3** which failed.

The question recurred on **Amendment 2** which was adopted.

Senator Thomas moved **Amendment 4** which was adopted.

Senator Bruner moved **Amendment 5**.

Senators McKay and Johnson offered **Substitute Amendment 6** which was moved by Senator McKay and adopted.

Senator McKay moved **Amendment 7** which was adopted.

On motion by Senator Gardner, by two-thirds vote SB 1028 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29      Nays—9

On motions by Senator Myers, by two-thirds vote HB 741 was withdrawn from the Committees on Education; Governmental Operations; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Myers—

**HB 741**—A bill to be entitled An act relating to the State University System; amending s. 240.281, F.S.; authorizing the deposit of funds received by a faculty practice plan outside the State Treasury; providing an effective date.

—a companion measure, was substituted for **CS for SB 332** and read the second time by title.

Senator Myers moved **Amendment 1** which was adopted.

On motion by Senator Myers, by two-thirds vote **HB 741** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33      Nays—3

**SB 778**—A bill to be entitled An act relating to retired justices and judges assigned to temporary judicial duty; amending s. 25.073, F.S.; changing the rate of compensation of such justices and judges; providing an effective date.

—was read the second time by title.

One amendment was adopted to **SB 778** to conform the bill to **HB 433**.

Pending further consideration of **SB 778** as amended, on motions by Senator Grant, by two-thirds vote—

**HB 433**—A bill to be entitled An act relating to retired justices and judges assigned to temporary judicial duty; amending s. 25.073, F.S.; changing the rate of compensation of such justices and judges; providing an effective date.

—a companion measure, was substituted for **SB 778** and by two-thirds vote read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 433** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32      Nays—2

**CS for SB 772**—A bill to be entitled An act relating to consumer protection; creating part IV of chapter 501, F.S., relating to telemarketing; providing purpose and definitions; providing exemptions; providing requirements for licensure of commercial telephone solicitors and salespersons by the Department of Agriculture and Consumer Services; requiring fees; requiring certain disclosures; requiring display of licenses; providing for license renewal; providing security requirements; specifying grounds for denial of licensure; providing for general disclosures and disclosures of gifts and premiums to purchasers; requiring written contracts for purchase of consumer goods or services; providing for refund, credit, or replacement; specifying unlawful acts; providing investigative powers of enforcing authority; providing general civil remedies and civil penalties; providing for attorney's fees and costs; providing for referral to a criminal prosecuting authority; providing criminal penalties; requiring burden of proof of exempt businesses; providing additional individual remedies; providing for rules; providing for review and repeal; amending s. 501.059, F.S.; exempting the sale of cable television services to certain subscribers from contract requirements relating to telephone solicitation; providing an effective date.

—was read the second time by title.

Senator Jenne moved **Amendment 1**.

Senator Kurth moved **Amendment 1A** which was adopted.

**Amendment 1** as amended was adopted.

Senator Jenne moved **Amendment 2** which was adopted.

On motion by Senator Jenne, by two-thirds vote **CS for SB 772** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40      Nays—None

On motions by Senator Yancey, by two-thirds vote **CS for HB 337** was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; Education; and Appropriations.

On motion by Senator Yancey—

**CS for HB 337**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; authorizing the reemployment of certain retired district school board employees under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1036** and read the second time by title. On motion by Senator Yancey, by two-thirds vote **CS for HB 337** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33      Nays—None

On motions by Senator Dudley, by two-thirds vote—

**HB 1223**—A bill to be entitled An act relating to the "911" emergency telephone system; amending s. 365.171, F.S.; revising provisions relating to the "911" fee; deleting the requirement for annual approval of a county's recurring fee by the Division of Communications; specifying that a fund be established exclusively for "911" fee revenues and expenditures; requiring that moneys in the fund be used only for specified purposes; requiring an annual financial audit of the fund; providing for carry over of funds; specifying those costs which are eligible for expenditure of "911" fee revenues, including costs for two county positions; prohibiting certain expenditures; establishing legislative goal for the expenditure of fees; providing an effective date.

—a companion measure, was substituted for **SB 1014** and by two-thirds vote read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 1223** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

**CS for SB 1624**—A bill to be entitled An act relating to the district school system; creating s. 232.276, F.S.; permitting parenting workshops to assist parents or guardians of students with disciplinary problems; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote **CS for SB 1624** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

On motion by Senator Casas, by two-thirds vote **HB 259** was withdrawn from the Committee on Agriculture.

On motion by Senator Casas—

**HB 259**—A bill to be entitled An act relating to the Division of Marketing of the Department of Agriculture and Consumer Services; amending s. 570.53, F.S.; authorizing the division to have vehicles at agricultural marketing facilities owned by the state towed under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 1514** and read the second time by title. On motion by Senator Casas, by two-thirds vote **HB 259** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35      Nays—None

**CS for SB 1622**—A bill to be entitled An act relating to memory disorders; amending s. 410.402, F.S.; requiring the funding of a memory disorder clinic at a specified memory disorder center, for the purpose of conducting research and training in the diagnosis and therapy of Alzheimer's disease and related memory disorders; providing legislative intent and requirements for research funded by the state; providing that the center shall be established when it is funded by the Legislature; providing an effective date.

—was read the second time by title. On motion by Senator Kurth, by two-thirds vote **CS for SB 1622** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33      Nays—None

**SB 1906**—A bill to be entitled An act relating to the Florida Healthy Kids Corporation Act; amending s. 624.91, F.S.; providing for staggered terms for the board of directors; revising language with respect to the Florida Healthy Kids Trust Fund; amending chapter 90-199, Laws of



Florida; increasing the number of sites which shall be selected for implementation of the Florida Healthy Kids Corporation Pilot Program without prior approval of the Legislature; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services recommended **Amendment 1** which was moved by Senator Crenshaw and adopted.

On motion by Senator Crenshaw, by two-thirds vote **SB 1906** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38      Nays—None

On motions by Senator Dantzler, by two-thirds vote **HB 2441** was withdrawn from the Committees on Agriculture; and International Trade, Economic Development and Tourism.

On motion by Senator Dantzler—

**HB 2441**—A bill to be entitled An act relating to agricultural economic development; creating the Agricultural Economic Development Act; providing definitions; providing legislative intent; providing powers and duties of the Department of Agriculture and Consumer Services; authorizing the department to administer appropriations for agricultural economic development; requiring an annual report; providing for interaction between the department and other economic development agencies and groups; providing for use of agricultural economic development funds; providing authority to the department to promulgate rules for specified purposes; creating the Agricultural Economic Development Project Review Committee; providing powers and duties; repealing chapters 87-229 and 89-94, Laws of Florida, relating to the Agricultural Economic Development Program; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for **CS for SB 1972** and read the second time by title. On motion by Senator Dantzler, by two-thirds vote **HB 2441** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

**CS for SB 1886**—A bill to be entitled An act relating to education; creating s. 231.263, F.S.; creating a recovery network program for educators who are impaired as a result of alcohol abuse, drug abuse, or a mental condition; providing eligibility for participation; providing for staff; providing for treatment contracts; providing procedures; providing an exemption from public records requirements for certain disclosed information and providing for review and repeal of the exemption; providing for determination of ineligibility for further assistance; providing for rules; providing for review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote **CS for SB 1886** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35      Nays—1

**SB 2210**—A bill to be entitled An act relating to frozen desserts; amending s. 503.011, F.S.; deleting obsolete definitions and expanding the definitions of the terms "frozen desserts" and "frozen desserts retail establishment"; amending s. 503.021, F.S.; amending the legislative intent to delete obsolete references; amending s. 503.031, F.S.; expanding the powers of the Department of Agriculture and Consumer Services; amending s. 503.041, F.S.; increasing license fees; providing for a license renewal fee; deleting exemptions from license fees; amending s. 503.071, F.S.; providing for administrative fines; clarifying provisions relating to penalties and injunctions; amending s. 503.091, F.S.; correcting a cross-reference; repealing s. 503.062, F.S., relating to food products in the semblance of frozen desserts; providing an effective date.

—was read the second time by title. On motion by Senator Souto, by two-thirds vote **SB 2210** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

## MOTION

On motion by Senator Thomas, the rules were waived and time of recess was extended until 5:30 p.m.

**CS for HB 257**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 504.31, F.S.; revising the membership of the organic food advisory council and the terms thereof and eliminating per diem and travel expense allowances; amending s. 570.541, F.S.; eliminating per diem and travel expense allowances for members of the Racing Quarter Horse Advisory Council; providing an effective date.

—was read the second time by title.

Senator Dantzler moved **Amendments 1 and 2** which were adopted.

On motion by Senator Grant, by two-thirds vote **CS for HB 257** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35      Nays—None

**HB 2415**—A bill to be entitled An act relating to the Advisory Board for the Service Network for the Severely Emotionally Disturbed; amending s. 230.2317, F.S.; revising the name of the advisory board and duties thereof; revising provisions relating to member terms; establishing reporting requirements; saving s. 230.2317(2), F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote **HB 2415** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35      Nays—None

**SB 2236**—A bill to be entitled An act relating to disposition of unclaimed property; amending s. 717.135, F.S.; extending the period within which agreements to pay compensation for the recovery of property reported abandoned are unenforceable; providing an effective date.

—was read the second time by title.

Three amendments were adopted to **SB 2236** to conform the bill to **CS for HB 929**.

Pending further consideration of **SB 2236** as amended, on motions by Senator Thurman, by two-thirds vote **CS for HB 929** was withdrawn from the Committees on Commerce and Appropriations.

On motion by Senator Thurman—

**CS for HB 929**—A bill to be entitled An act relating to unclaimed property; amending s. 717.135, F.S.; increasing the time period during which agreements to pay compensation to recover or assist in the recovery of certain property are unenforceable; providing an effective date.

—a companion measure, was substituted for **SB 2236** and read the second time by title. On motion by Senator Thurman, by two-thirds vote **CS for HB 929** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33      Nays—1

**CS for SB 1758**—A bill to be entitled An act relating to financial matters; amending s. 18.02, F.S.; creating s. 18.021, F.S.; reorganizing provisions with respect to moneys paid on warrants and the authorization of the Treasurer to operate a personal check-cashing service; amending s. 18.05, F.S., relating to an annual report to the Governor; amending s. 18.07, F.S.; providing for recordkeeping by the Treasurer; amending s. 18.08, F.S.; revising language with respect to the requirement that the Treasurer turn over to the Comptroller all warrants paid; amending s. 18.09, F.S.; providing for delivery of an annual report to the Legislature; amending s. 18.091, F.S.; revising language with respect to additional employees of the Treasurer when the Legislature is in session; amending s. 18.10, F.S.; revising language with respect to deposits and investments of state money; revising the Florida Security for Public Deposits Act; repealing s. 18.102, F.S., relating to deposits of public money by state agencies and institutions; repealing s. 18.16, F.S., relating to the prohibition against the Treasurer depositing money without consent of the Governor and Comptroller; amending s. 280.02, F.S.; providing definitions; amending s. 280.04, F.S.; revising language with respect to collateral for public deposits; amending s. 280.05, F.S.; revising language with respect

to the powers and duties of the Treasurer; amending s. 280.051, F.S.; deleting a ground for suspension or disqualification of a qualified public depository; amending s. 280.052, F.S.; directing the Treasurer to notify public depositors of compliance with certain requirements; amending s. 280.053, F.S.; defining the effective date of suspension or disqualification of a public depository; amending ss. 280.06, 280.09, 280.11, F.S.; providing for correct terminology; amending s. 280.085, F.S.; revising language with respect to notice to claimants against the Public Deposits Trust Fund; amending s. 280.10, F.S.; revising timeframes for notification to the Treasurer with respect to merger or acquisition or change of name or address; amending s. 280.13, F.S.; revising a reference with respect to collateral which is eligible for pledge by banks; amending s. 280.14, F.S.; revising a reference with respect to collateral which is eligible for pledge by savings associations; amending s. 280.16, F.S.; revising language with respect to reports of public depositories; amending s. 280.17, F.S.; revising language with respect to requirements for public depositors; amending s. 215.44, F.S.; changing the date for submission of an annual report and clarifying the items to be submitted in the report; providing an effective date.

—was read the second time by title.

Senator Crenshaw moved **Amendments 1 and 2** which were adopted.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 1758** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40      Nays—None

**CS for SB 1766**—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; revising requirements relating to a request for funding from the Special Facility Construction Account; providing an effective date.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote **CS for SB 1766** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33      Nays—None

Consideration of **CS for CS for SB 998** was deferred.

**CS for SB 734**—A bill to be entitled An act relating to school finance; amending s. 236.25, F.S.; authorizing school boards to use certain discretionary ad valorem tax revenues for the purchase of new and replacement motor vehicles, library books, audiovisual materials, and computer software; providing an effective date.

—was read the second time by title. On motion by Senator Brown, by two-thirds vote **CS for SB 734** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

**SB 854**—A bill to be entitled An act relating to transportation of school children; creating s. 234.0515, F.S.; authorizing school districts to require the inspection of nonpublic buses used to transport students; authorizing the assessment of a fee; providing for the frequency and thoroughness of such inspections; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended **Amendment 1** which was moved by Senator Weinstein.

Senator Weinstein moved **Amendment 1A** which was adopted.

**Amendment 1** as amended was adopted.

The Committee on Appropriations recommended **Amendment 2** which was moved by Senator Weinstein.

Senator Weinstein moved **Amendment 2A** which was adopted.

**Amendment 2** as amended was adopted.

On motion by Senator Weinstein, by two-thirds vote **SB 854** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39      Nays—None

## MOTION

On motion by Senator Wexler, by two-thirds vote **CS for SB 842** was removed from the special order calendar and withdrawn from further consideration.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 24, 1991: **CS for SB 46, SB 430, CS for CS for SB 516, CS for SB 2240, CS for CS for SB 2212, CS for CS for SB 634, SB 1028, CS for SB 332, SB 778, CS for SB 772, CS for SB 1036, SB 1014, CS for SB 1624, SB 1514, CS for SB 1622, SB 1906, CS for SB 1972, CS for SB 1886, SB 2210, CS for SB 2292, CS for HB 257, HB 2415, SB 2236, CS for SB 1758, CS for SB 1766, CS for CS for SB 998, CS for SB 734, SB 854, CS for SB 842, CS for SB 298, CS for SB 688, CS for SB 76, SB 144, SB 426, CS for SB 872, CS for CS for SB 1454, CS for SB 1472, CS for SB 1834, CS for SB 1850, CS for SB 1804, CS for SB 1324, CS for SB 74, SB 1482, CS for SB 2004, CS for SB 2064, CS for HB 2497, CS for SB 2214, CS for CS for SB 1448, SB 214**

Respectfully submitted,  
*Pat Thomas, Chairman*

The Committee on Rules and Calendar withdraws the following bills and submits them for the Local Bill Calendar for Wednesday, April 24, 1991: **SB 550, HB 953, HB 957, HB 1013, HB 1099, HB 1133, HB 1251, HB 1269, HB 1281, HB 1321, HB 1477, HB 1479, HB 1485, HB 1533, HB 1551, HB 1553, HB 1591, HB 1595, HB 1611, HB 1627, HB 1695, HB 1947, HB 2021, HB 2035, HB 2281, HB 2311, HB 2499, HB 2599**

Respectfully submitted,  
*Pat Thomas, Chairman*

The Committee on Finance, Taxation and Claims recommends the following pass: **CS for SB 1698**

**The bill was referred to the Committee on Appropriations under the original reference.**

The Committee on Natural Resources and Conservation recommends the following pass: **CS for CS for CS for HB's 2157 and 1871 with 2 amendments**

**The bill was referred to the Committee on Finance, Taxation and Claims under the original reference.**

The Committee on Finance, Taxation and Claims recommends the following pass: **CS for HB 375, HB 905, CS for HB 2327**

**The bills were placed on the calendar.**

The Committee on Finance, Taxation and Claims recommends the following not pass: **CS for SB 1552**

**The bill was laid on the table.**

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: **SB 26**

**The bill with committee substitute attached was referred to the Committee on Appropriations under the original reference.**

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: **SB 1792**

**The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.**

## FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Natural Resources and Conservation; and Senator Grizzle—

**CS for SB 26**—A bill to be entitled An act relating to environmental education; reenacting and amending s. 229.8055, F.S., the Florida Environmental Education Act; expanding the environmental education program to provide such education in community colleges and state universities; requiring the Commissioner of Education, the Board of Regents, and the State Board of Community Colleges to administer the program; requiring the Department of Education to disseminate information



regarding environmental education for adults to the school districts; providing for regional service projects; reenacting s. 229.8056, F.S.; creating an Office of Environmental Education within the Office of the Commissioner of Education to develop a formal environmental education program; providing for a Coordinator of Environmental Education and specifying duties thereof; reenacting and amending s. 229.8058, F.S.; creating the Advisory Council on Environmental Education within the Legislature; providing membership and authorization for the council to employ staff; deleting an obsolete provision relating to transfer of certain equipment and materials to the council; providing responsibilities of the Advisory Council on Environmental Education; reenacting and amending s. 229.8059, F.S.; creating the Interagency Coordinating Committee for Environmental Education to coordinate the environmental education programs of certain state agencies and water management districts; providing for appointments; providing for payment of per diem and travel expenses; providing for duties of the committee, including the development of a memorandum of understanding and the submission of reports; deleting provisions that have had their effect; reenacting and amending s. 229.8061, F.S.; directing the Governor to administer a grant program for environmental education; authorizing certain organizations and projects to be eligible for the grants; providing duties of the Advisory Council on Environmental Education with respect to the grants; providing for meetings of members and staff of the Office of Environmental Education, the Interagency Coordinating Committee, the Executive Office of the Governor's environmental education staff, and the Advisory Council for Environmental Education; repealing s. 35, ch. 89-175, Laws of Florida, which provides for such meetings; reenacting and amending s. 229.8062, F.S.; creating the Governor's Environmental Education Trust Fund in the Executive Office of the Governor in place of the Save Our State Environmental Education Trust Fund; reenacting s. 229.8063, F.S.; authorizing the Executive Office of the Governor to establish a nonprofit support corporation for certain purposes; requiring an annual audit of the records of the corporation; exempting from public records requirements information in the audit report; providing for future legislative review of such exemption; requiring an annual status report on environmental education activities by the Executive Office of the Governor; providing for future abolition and legislative review of the Advisory Council on Environmental Education and the Interagency Coordinating Committee for Environmental Education; repealing s. 39, ch. 89-175, Laws of Florida, as amended by s. 11, ch. 90-192, Laws of Florida, which provided for such abolition and review; ratifying appropriations, positions, and expenditures made pursuant to s. 40, ch. 89-175, Laws of Florida; providing for reimbursement of certain appropriated moneys; reenacting and amending s. 229.8064, F.S.; providing for the Advisory Council on Environmental Education to propose projects to the Governor and Cabinet for approval; providing for the Governor and Cabinet to act on such recommendations within a specified time; providing for use of funds in the Aquatic Resources Education Account by the Department of Natural Resources for aquatic education purposes; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Thurman—

**CS for SB 1792**—A bill to be entitled An act relating to aquaculture; reenacting ss. 253.01(1)(b), 253.71(1), (2), and (4), 270.22, 370.16(5) and (21), F.S.; relating to aquaculture leases and shellfish leases; amending s. 370.16, F.S.; deleting language relating to monitoring of cultivation of certain perpetual shellfish grants and leaseholds; providing intent with respect to scheduled repeal; amending s. 258.42, F.S.; deleting restrictions relating to aquaculture activities; creating s. 597.0015, F.S.; providing definitions; amending s. 597.002, F.S.; providing for use of appropriated funds; amending s. 597.0021, F.S.; conforming language; amending s. 597.003, F.S.; providing additional functions of the Department of Agriculture and Consumer Services; amending s. 597.005, F.S.; providing additional responsibilities of the Aquaculture Review Council; amending s. 597.006, F.S.; providing additional responsibilities of the Aquaculture Interagency Coordinating Council; adding an agency participating in interagency coordination; amending s. 597.007, F.S.; clarifying provisions relating to permitting of aquaculture facilities; providing an effective date.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Thomas, by two-thirds vote **HB 1127** was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Rules and Calendar; and by two-thirds vote placed on the local bill calendar.

On motions by Senator Gardner, by two-thirds vote **Senate Bills**

**234, 386, 686, 1414, 2168, CS for SB 348, CS for SB 1140, CS for SB 1426, CS for SB 1652, CS for SB 1698, CS for SB 1768, CS for CS for SB 2040 and HB 2441** were withdrawn from the Committee on Appropriations.

On motions by Senator Thomas, by two-thirds vote **CS for CS for CS for HB 2157** was withdrawn from the Committees on Finance, Taxation and Claims; and Appropriations and by two-thirds vote placed on the special order calendar.

On motions by Senator Thomas, by two-thirds vote **SM 2042, CS for SB 2170 and HM 2517** were withdrawn from the Committee on Rules and Calendar; **SB 600 and CS for HB 613** were withdrawn from the Committee on Criminal Justice; **CS for SB 1404** was withdrawn from the Committee on Professional Regulation; **CS for SB 2120** was withdrawn from the Committee on International Trade, Economic Development and Tourism; **HB 243** was withdrawn from the Committee on Governmental Operations; and **CS for SB 2016** was withdrawn from the Committees on International Trade, Economic Development and Tourism; and Rules and Calendar.

On motions by Senator Bruner, by two-thirds vote **Senate Bills 14, 40 and 486** were withdrawn from the committees of reference and further consideration.

#### MOTIONS

On motions by Senator Thomas, the rules were waived to allow consideration of the local bill calendar as published in the calendar.

On motions by Senator Thomas, by two-thirds vote **CS for SB 1852, CS for CS for SB 748 and CS for CS for SB 2040** were placed on the special order calendar.

On motion by Senator Thomas, by two-thirds vote all bills not considered on the special order calendar this day would remain on the special order calendar for Thursday, April 25.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

##### First Reading

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed **HB 1223**; has passed as amended **HB 433, HB 1127, HB 2607** and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representatives Mortham and Kelly—

**HB 1223**—A bill to be entitled An act relating to the "911" emergency telephone system; amending s. 365.171, F.S.; revising provisions relating to the "911" fee; deleting the requirement for annual approval of a county's recurring fee by the Division of Communications; specifying that a fund be established exclusively for "911" fee revenues and expenditures; requiring that moneys in the fund be used only for specified purposes; requiring an annual financial audit of the fund; providing for carry over of funds; specifying those costs which are eligible for expenditure of "911" fee revenues, including costs for two county positions; prohibiting certain expenditures; establishing legislative goal for the expenditure of fees; providing an effective date.

(Substituted for **SB 1014** on the special order calendar this day.)

By Representatives Wallace and Cosgrove—

**HB 433**—A bill to be entitled An act relating to retired justices and judges assigned to temporary judicial duty; amending s. 25.073, F.S.; changing the rate of compensation of such justices and judges; providing an effective date.

(Substituted for **SB 778** on the special order calendar this day.)

By Representative Ritchie and others—

**HB 1127**—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending chapter 69-1469, Laws of Florida, as amended; revising the authorized investments by the trustees of the pension funds of the city; allowing the trustees of the pension funds of the city, separately or in any combination thereof, together with the city to contract with investment banks; providing for the repeal of conflicting laws; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Rules and Calendar.

By the Committee on Community Affairs and Representative Saunders—

**HB 2607**—A bill to be entitled An act relating to state government; amending s. 20.18, F.S.; assigning responsibility for state energy planning to the Department of Community Affairs to be carried out by the Office of the Secretary of Community Affairs; amending s. 110.173, F.S.; providing for appointment of one member of the department to the telecommuting advisory council; amending ss. 255.257 and 255.258, F.S.; transferring to the department the responsibility of the Executive Office of the Governor to assist in development of an energy management plan, contracts for shared savings financing, and rules for shared savings demonstration programs; amending ss. 377.602, 377.603, 377.604, 377.605, 377.606, 377.608, 377.701, and 377.703, F.S.; transferring to the department the energy planning and development functions of the Executive Office of the Governor; requiring development and maintenance of an index and profile of energy research activities; amending ss. 403.7165 and 403.757, F.S., relating to the program advisory committee to the Institute of Food and Agricultural Sciences in the operation of the Applications Demonstration Center for Resource Recovery from Solid Organic Materials and to coordination of used oil recycling regulation with other state agencies, to conform; providing for a type four transfer of all such energy functions of the Executive Office of the Governor to the department; transferring funds from the Hazardous Materials Administration Trust Fund to the Growth Management Trust Fund; providing appropriations from the Growth Management Trust Fund for assistance to certain local governments in preparing comprehensive plans and land development regulations; amending s. 2 of chapter 88-200, Laws of Florida; extending the deadline by which the department is required to repay the balance of a start-up loan to the Hazardous Materials Administration Trust Fund; providing an effective date.

#### MOTION

On motion by Senator Thomas, by two-thirds vote **HB 2607** was referred to the Committee on Finance, Taxation and Claims.

#### RETURNING MESSAGES ON SENATE BILLS

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 162 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 162**—A bill to be entitled An act relating to historic preservation; creating preservation boards of trustees within the Department of State; placing the boards under the administrative supervision of the department; providing for the sale of property by the preservation boards; directing the department to adopt certain rules; creating the Historic St. Augustine Preservation Board of Trustees; providing definitions; providing for membership; providing certain powers and procedures for operation; authorizing annual appropriations; permitting the board of trustees to authorize a direct-support organization to operate for certain purposes; providing that the direct-support organization must operate under a contract and specifying the terms of the contract; providing public records exemptions; creating the Historic Pensacola Preservation Board of Trustees; providing definitions; providing for membership; providing certain powers and procedures for operation; amending s. 266.107, F.S.; revising cross-references; permitting the board of trustees to authorize a direct-support organization to operate for certain purposes; providing that the direct-support organization must operate under a contract and specifying the terms of the contract; providing public records exemptions; creating the Historic Tallahassee Preservation Board of Trustees; providing definitions; providing for membership; providing certain powers and procedures for operation; amending s. 226.117, F.S., permitting the board of trustees to authorize a direct-support organization to operate for certain purposes; providing that the direct-support organization must operate under a contract and specifying the terms of the contract; providing public records exemptions; creating the Historic Florida Keys Preservation Board of Trustees; providing definitions; providing for membership; providing certain powers and procedures for operation; amending s. 266.207, F.S.; revising cross-references; permitting the board

of trustees to authorize a direct-support organization to operate for certain purposes; providing that the direct-support organization must operate under a contract and specifying the terms of the contract; providing public records exemptions; creating the Historic Palm Beach Preservation Board of Trustees; providing definitions; providing for membership; providing certain powers and procedures of operation; amending s. 266.308, F.S.; revising cross-references; permitting the board of trustees to authorize a direct-support organization to operate for certain purposes; providing that the direct-support organization must operate under a contract and specifying the terms of the contract; providing public records exemptions; creating the Historic Tampa-Hillsborough County Board of Trustees; providing definitions; providing for membership; providing certain powers and procedures for operation; amending s. 266.407, F.S.; revising cross-references; creating the Ybor City Historic District and Barrio Latino Commission; providing for membership, powers, and duties; authorizing annual appropriations; permitting the board of trustees to authorize a direct-support organization to operate for certain purposes; providing that the direct-support organization must operate under a contract and specifying the terms of the contract; providing public records exemptions; creating the Historic Broward County Preservation Board of Trustees; providing definitions; providing for membership; providing certain powers and procedures for operation; permitting the board of trustees to authorize a direct-support organization to operate for certain purposes; providing that the direct-support organization must operate under a contract and specifying the terms of the contract; providing public records exemptions; providing for determining local governments' share of cost of historic preservation services provided by boards; providing for expiration of portions of the act and for review under s. 11.611, F.S., the Sundown Act; providing for future review and repeal of public records exemptions pursuant to s. 119.14, F.S., the Open Government Sunset Review Act; repealing ss. 266.01, 266.02, 266.03, 266.04, 266.05, 266.06, 266.07, 266.08, 266.101, 266.102, 266.103, 266.104, 266.105, 266.106, 266.109, 266.110, 266.111, 266.112, 266.113, 266.114, 266.115, 266.118, 266.201, 266.202, 266.203, 266.204, 266.205, 266.206, 266.2095, 266.301, 266.302, 266.303, 266.304, 266.305, 266.306, 266.309, 266.401, 266.402, 266.403, 266.404, 266.405, 266.406, 266.408, 266.409, 266.410, 266.411, 266.501, 266.502, 266.503, 266.504, 266.505, 266.506, 266.507, and 266.508, F.S., as amended, relating to historic preservation boards; providing an effective date.

**House Amendment 1**—On page 8, line 16, through page 9, line 12, strike all of said lines and insert:

Section 4. Board; membership; terms of office; compensation; expenses; bond; removal.—

(1) *The board consists of nine members appointed by the Governor and confirmed by the Senate. The Governor shall appoint members to 4-year terms which run from July 1 through June 30. The appointments must be confirmed by the Senate in the following legislative session. A member may only be appointed to two terms.*

(2) *The Governor may fill a vacancy for the remainder of an unexpired term only. Such appointment must be made within 90 days after the vacancy occurs.*

(3) *The Governor shall give the following organizations a reasonable opportunity to nominate members to the board:*

- (a) *The City Commission of the City of St. Augustine.*
- (b) *The County Commission of St. Johns County.*
- (c) *The St. Augustine Historical Society.*

*In making his appointments the Governor shall consider, but need not appoint, the persons nominated by such organizations.*

(4) *Board members must be qualified through the demonstration of special interest, experience, or education in history, architecture, archaeology, or other related fields and must possess an active interest in the historical aspects of St. Augustine and the State of Florida. The board shall include at least two members from outside of St. Johns County, at least one of whom has distinguished himself nationally in history, architecture, archaeology, or other related fields.*

(5) *The members of the board, including the chairman, may not receive compensation for their services, but are entitled to be reimbursed for per diem and travel expenses incurred in the performance of their official duties as members of the board, subject to the provisions and limitations of section 112.061, Florida Statutes. Each member shall*

give a surety bond in the sum of \$10,000 executed by a surety company authorized to do business in this state, payable to the Governor and his successors in office, and conditioned upon the faithful performance of his duties.

(6) The Governor may remove from office any member for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or pleading guilty or nolo contendere to or being found guilty of a felony.

**House Amendment 2**—On page 27, lines 17 through 19, strike all of said lines and insert: County. The selection for restoration, preservation,

**House Amendment 3**—On page 33, line 14, through page 34, line 3, strike all of said lines and insert:

Section 27. Establishment of historical districts and architectural review advisory board.—

(1) The legislative intent of this section is to permit the creation of a historical district or districts within Leon County and to provide a mechanism for local government to offer the assistance and expertise of an architectural review advisory board to the public when changes are planned which may impact historically significant features of Leon County within the historical district or districts established in that county. The function of the architectural review advisory board is intended to be advisory only, and this section shall be so construed to accomplish that objective.

(2) The governing bodies of Leon County and the City of Tallahassee may adopt by ordinance a historical plan of development for Leon County and the City of Tallahassee and shall have the power to create a historical district or districts within their respective jurisdictions, including any section or sections of the county or city that contain buildings, landmarks, sites, or facilities of historical or architectural value and that have an overall atmosphere of historical or architectural distinction. Facilities having historical or architectural value shall be designated by the governing bodies on the basis of criteria of historical evaluation established by the Division of Historical Resources of the Department of State.

(3) The governing bodies of Leon County and the City of Tallahassee are empowered to name a joint architectural review advisory board with the following membership:

(a) Two persons from each historical district, who are either owners or tenants of properties located within that historical district within Leon County, one appointed by each governing body.

(b) One member-at-large who shall, during his term, be a resident within Leon County, appointed jointly by the two governing bodies.

(c) Two members who are members of the American Institute of Architects and whose principal place of business or residence is in Leon County, one appointed by each governing body.

(d) Two members of the governing bodies of Leon County and the City of Tallahassee, who shall serve *ex officio*, one appointed by each governing body.

(4)(a) Members of the architectural review advisory board shall be appointed for terms of 2 years, except in the case of an appointment to fill a vacancy, which appointment shall be for the unexpired term only. Upon the failure of either governing body to make its appointment within 60 days of the occurrence of a vacancy, the other governing body may fill such vacancy for the unexpired term.

(b) Members shall serve no more than three terms, including an appointment to fill a vacancy.

(5) Members of the architectural review advisory board shall serve without compensation.

(6) The architectural review advisory board may review plans for buildings to be erected, renovated, or razed which are located, or are to be located, within the historical district or districts as may be established by the governing bodies of Leon County and the City of Tallahassee. Such review shall be limited to offering recommendations to applicants for enhancing or improving the historical preservation aspects relative to such plans, and issuing certificates of appropriateness for such plans as meet with the board's approval.

(7) The governing bodies of Leon County and the City of Tallahassee may, by ordinance, prescribe the procedures for the review of plans for the erection, renovation, or razing of any building which is located or is to be located within the designated historical district or districts, including rules and governing decisions of the architectural review advisory board. However, no such review by the architectural review advisory board may delay any request for a permit or any other development order for more than 30 days without the consent of the applicant for the permit or order. No permit or other development order shall be withheld from any applicant whose plans are reviewed by the architectural review advisory board for failure of such board to issue a certificate of appropriateness within such period of time.

(8) The architectural review advisory board shall have the power to adopt rules for the transaction of its business, the holding of meetings, and such other activities as are incident to its functions.

(9) The governing bodies of Leon County and the City of Tallahassee shall have the authority to use their employees to assist the architectural review advisory board in performing its duties and functions.

(10) The expenditures of the architectural review advisory board shall be within the amounts appropriated for its purpose by Leon County or the City of Tallahassee through their respective governing bodies. However, no expenditures shall be made to enable the architectural review advisory board to engage in lobbying activity of any kind, or to incur any expense other than is authorized by law.

(11) The designation of the historical district or districts and the encouragement and the preservation of buildings and structures within the historical district or districts pursuant to subsection 10 of section 26 of this act and the review of plans for the erection, alteration, addition, repairs, removal, or demolition of new or existing buildings or structures, signs, and any similar facilities, or appurtenances thereto, to assist the perpetuation of the historical character is designated to be a public purpose.

**House Amendment 4**—On page 81, line 4, after "266.115," insert: 266.116, 266.117,

**House Amendment 5**—On page 4, line 7, after "266.115," insert: 266.116, 266.117,

On motions by Senator Kiser, the Senate concurred in **House Amendments 1 and 2**; refused to concur in **House Amendments 3, 4, and 5** and the House was requested to recede.

**CS for SB 162** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36      Nays—None

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 254 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 254**—A bill to be entitled An act relating to school zone speed limits; amending s. 316.1895, F.S.; providing additional speed restrictions for school zones; providing for certain speed limits before, during, and after regularly scheduled breakfast programs at schools; providing an effective date.

**House Amendment 1**—On page 1, lines 17 and 18, strike all of said lines and insert: than 15 miles per hour except by local regulation. After July 1, 1992, no school zone speed limit shall be more than 20 miles per hour in an urbanized area, as defined in s. 334.03. Such

On motion by Senator Forman, the Senate concurred in the House amendment.

**CS for SB 254** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34      Nays—3

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 1188 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 1188**—A bill to be entitled An act relating to law enforcement officers; creating s. 901.252, F.S.; providing authority to municipal law enforcement officers to patrol property and facilities owned by the municipality but located outside its territorial jurisdiction, and providing authority to such officers to take into custody and detain persons who they have probable cause to believe have committed or are committing a violation of state law or of a municipal or county ordinance on such property or facilities; providing immunity from certain civil and criminal liability; amending s. 117.10, F.S.; providing that traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties; amending s. 784.07, F.S.; revising language with respect to assault or battery of a law enforcement officer which results in the reclassification of the offense to include reference to traffic accident investigation officers and traffic infraction enforcement officers; allowing a sheriff to operate or administer a program to contract for the employment of off-duty deputy sheriffs by public or private security services; providing that the public or private security service employer is liable for acts or omissions of deputy sheriffs so employed; exempting deputy sheriffs so employed from certain licensing requirements; amending s. 318.141, F.S.; requiring direction but not necessarily immediate supervision of traffic infraction enforcement officers; providing an effective date.

**House Amendment 1**—On page 6, lines 12-15, strike all of said lines and insert:

(2) Any such public or private employer of a deputy sheriff shall be responsible for the acts or omissions of the deputy sheriff while performing services for that employer off duty, including workers' compensation benefits. However, for the workers' compensation purposes of this section, a deputy sheriff so employed who sustains an injury while enforcing the criminal, traffic, or penal laws of this state shall be regarded as working on duty.

On motion by Senator Dantzler, the Senate concurred in the House amendment.

**CS for SB 1188** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35      Nays—1

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1614 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 1614**—A bill to be entitled An act relating to commercial animal feed; amending s. 580.041, F.S.; establishing a master registration fee schedule; amending s. 580.051, F.S.; revising a provision that requires certain information to be specified on labels or containers of feed when sold at retail; amending s. 580.131, F.S.; specifying a minimum amount of damages recoverable by a consumer upon purchasing commercial feed that weighs less than the amount paid for; providing an effective date.

**House Amendment 1**—On page 1, line 16, strike everything after the enacting clause and insert:

Section 1. Subsections (1) and (5) of section 580.041, Florida Statutes, are amended to read:

580.041 Master registration; application; refusal or cancellation of registration.—

(1) Each distributor of commercial feed shall annually obtain a master registration before his brands are distributed in Florida. The application for master registration shall be submitted to the department on forms furnished by the department and shall be accompanied by a label for each brand being distributed. All registrations shall expire on June 30 of each year. The fee for the master registration shall be no less than \$100 for dealers who distribute between zero and 100 tons of commercial feed annually, \$250 for dealers who distribute between 101 and 500 tons of commercial feed annually, \$500 for dealers who distribute between 500 and 1,000 tons of commercial feed annually, and \$750 for dealers who distribute more than 1,000 tons of commercial feed annually. A label to cover each new brand or to cover each change in the label shall be mailed to the department as prescribed by rule prior to the time

the commercial feed is distributed in Florida. The form shall provide that the applicant will comply with all provisions of this chapter and rules promulgated hereunder. The application shall cover all branches listed by the distributor and be signed by the owner, a partner of a partnership, or an authorized officer or agent of a corporation. The department shall mail a copy of the master registration to the registrant to signify that administrative requirements have been met, but this shall not necessarily signify approval of labels.

~~(5) The master registration shall remain in effect until suspended or canceled by the department or until withdrawn or discontinued by the registrant by written notice to the department.~~

Section 2. Paragraph (d) of subsection (1) of section 580.051, Florida Statutes, 1990 Supplement, is amended to read:

580.051 Labels.—

(1) Any commercial feed distributed in this state shall be accompanied by a legible label bearing the following information:

~~(d) The date of manufacture or expiration date of commercial feed sold at retail as the department may by rule require. The month, day, and year of expiration of the commercial feed, which must be a date that is no later than 90 days after the date of manufacture of the commercial feed, except dog, cat, rabbit, pigeon, chinchilla, aviary bird, wild bird, guinea pig, hamster, mice, and rat feed or any feed in packages weighing 10 pounds or less, which information shall appear on the label or the container when sold at retail.~~

Section 3. Paragraph (a) of subsection (1) of section 580.061, Florida Statutes, is amended, and subsection (3) is added to said section, to read:

580.061 Inspection fees, payment thereof; enforcement; reporting system and bond requirement.—

(1)(a) Each registrant or distributor of commercial feeds distributed in this state shall make application to the department for a permit to report the tonnage of commercial feeds sold and pay the inspection fee of 50 cents per ton for all nonexempt sales thereof, as provided in this chapter. The issuance of such permit will be conditioned on the applicant's satisfying the department that he has a good bookkeeping system and keeps such records as may be necessary to indicate accurately the tonnage of commercial feeds sold in this state and on the applicant's granting the authorized representatives of the department permission to examine such records and verify the tonnage statement. The tonnage report shall be filed monthly, quarterly, semiannually, or annually as determined by the department. The inspection fees owed shall be due and payable on or before the last day of the month covering the tonnage of nonexempt commercial feeds sold during the preceding reporting period. The report shall be on forms furnished by the department and shall show the number of tons of feed. ~~If the report is not filed or if the inspection fee is not paid on the date due or if the report of tonnage is false, the amount of inspection fee due is subject to a penalty of 10 percent or \$25, whichever is greater. Such penalty may be added to the inspection fee due and constitutes a debt and becomes a claim and lien against the surety bond or certificate of deposit which is required as hereinafter provided. The failure to make an accurate statement of tonnage or to pay the inspection fee constitutes sufficient cause for revocation of the permit and also for cancellation of the master registration on file for the permittee.~~ Each applicant for such permit shall post with the department a surety bond, or assign a certificate of deposit, in such amount as shall be required by the department to cover fees for any given reporting period, which amount shall not be less than \$1,000. The surety bond shall be executed by a corporate surety company authorized to do business in this state. The certificate of deposit shall be issued by any recognized financial institution doing business in the United States. The department shall establish by rule whether an annual or continuous surety bond or certificate of deposit will be required and shall approve each surety bond or certificate of deposit before acceptance.

(3) When a person is 30 days in arrears of filing a report or paying any fee imposed by this section, in addition to any other penalty provided by law, the department may immediately suspend inspection service to the registrant, as well as the registration granted under s. 580.041. The suspension of the inspection service and of the registration shall remain in force until all delinquent returns have been filed and all fees, interest, and penalties have been paid.

Section 4. Subsection (6) of section 580.131, Florida Statutes, is amended to read:

580.131 Penalty payable to consumer.—Any consumer who shall purchase without notice a commercial feed or feedstuff which is in violation of this chapter or rules promulgated hereunder shall in any legal or administrative action that may be instituted recover penalties as follows:

(6) If any feed is found by the department to be short in weight, 4 times the invoice value of the actual shortage shall be assessed against the registrant, *but in no instance shall the penalty be less than \$25.* The department by rule may establish variations for short weight.

Section 5. Paragraph (c) of subsection (2) of section 616.091, Florida Statutes, is amended to read:

616.091 Trade and safety standards for operation of public fairs and expositions, carnivals, festivals, celebrations, bazaars, permanent facilities, and parking lot still dates.—

(2) SAFETY STANDARDS FOR OPERATION OF AMUSEMENT DEVICES, AMUSEMENT ATTRACTIONS, AND TEMPORARY STRUCTURES AT PUBLIC FAIRS AND EXPOSITIONS, CARNIVALS, FESTIVALS, CELEBRATIONS, BAZAARS, PERMANENT FACILITIES, AND PARKING LOT STILL DATES.—Safety standards for the operation of amusement devices, amusement attractions, and temporary structures at public fairs and expositions, carnivals, festivals, celebrations, bazaars, permanent facilities, and parking lot still dates are as follows:

(c) Definitions.—As used in this section:

1. "Amusement device" means any mechanical device or combination of devices which carries or conveys passengers on, along, around, over, or through a fixed or restricted course or within a defined area for the purpose of giving its passengers amusement, pleasure, or excitement.

2. "Temporary amusement device" means a device which is used as an amusement device or amusement attraction that is regularly relocated from time to time, with or without disassembly.

3. "Permanent amusement device" means a device which is used, or intended to be used, as an amusement device or amusement attraction that is erected to remain a lasting part of the premises.

4. "Sponsor of event" means the agency, organization, or entity that hosts and promotes the event.

5. "Permit" means that document which signifies that the amusement device or amusement attraction has undergone and passed its annual inspection. The department shall affix a decal which clearly shows the month and year of expiration.

6. "Certificate to operate" means that document which indicates that the temporary amusement device has undergone the inspection required after setup. It shall show the date of inspection, the location of the inspection, the name of the inspector, and the maximum amount of weight allowed per car or rideable unit.

7. "Serious injury" means an injury requiring an overnight stay in a hospital for treatment or observation.

8. "Manager" means a person having possession, custody, or managerial control of an amusement device, amusement attraction, or temporary structure, whether as owner, lessee, or agent or otherwise.

9. "Amusement attraction" means any building or structure around, over, or through which persons may move or walk, without the aid of any moving device integral to the building or structure, which building or structure provides amusement, pleasure, thrills, or excitement. The term does not include enterprises principally devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts. *Further, the terms "amusement device and amusement attractions" shall not include playgrounds operated by schools, local government, or businesses licensed by chapter 509, which are not primarily engaged in providing amusement, pleasure, thrills, or excitement and provide the playground as an incidental amenity.*

10. "Permanent facility" means a location or place where amusement devices or attractions operate as a lasting part of the premises.

Section 6. This act shall take effect upon becoming a law.

**House Amendment 2**—On page 1, line 2, strike the entire title and insert: A bill to be entitled An act relating to the Florida Department of Agriculture and Consumer Services; amending s. 616.091, F.S.; providing an exemption from the Public Fair and Exhibition Law; amending the Florida Commercial Feed Law; amending s. 580.041, F.S.; providing for an annual master registration; authorizing a fee; deleting language permitting master registration to remain in effect for more than 1 year; amending s. 580.051, F.S.; revising language with respect to labeling requirements; amending s. 580.061, F.S.; revising penalty provisions; amending s. 580.131, F.S.; providing a minimum penalty for feed which is found to be short in weight; providing an effective date.

On motions by Senator Thurman, the Senate concurred in the House amendments.

**CS for SB 1614** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37      Nays—None

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1658 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 1658**—A bill to be entitled An act relating to instructional materials; amending s. 229.512, F.S.; requiring the Commissioner of Education to develop selection criteria for instructional materials; amending s. 233.07, F.S.; deleting absolute references; specifying the term of office of members of instructional materials councils; expanding the definition of instructional materials; amending s. 233.09, F.S.; deleting absolute references, specifying criteria to be used for the evaluation of instructional materials; amending s. 233.25, F.S.; providing for the delivery of specimen copies of printed and unprinted materials to state instructional materials councils; repealing s. 233.14(3), F.S., which provides for the availability of specimen materials to state instructional materials councils; continuing ss. 233.07, 233.08, 233.09, 233.10, 233.11, 233.115, 233.14, 233.15, F.S.; providing for future repeal of such sections and their review pursuant to the Sundown Act; providing an effective date.

**House Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Subsection (5) of section 20.15, Florida Statutes, is amended to read:

20.15 Department of Education.—There is created a Department of Education.

(5) Notwithstanding anything contained in law to the contrary, all members of all councils and committees of the Department of Education, except the Board of Regents, the State Board of Community Colleges, the Board of Public Schools, the state instructional materials *committees* ~~councils~~, and the community college district boards of trustees, shall hereafter be appointed by the State Board of Education from a list of two or more names nominated for each position by the Commissioner of Education.

Section 2. Paragraph (a) of subsection (2) of section 231.24, Florida Statutes, 1990 Supplement, is amended to read:

231.24 Renewal of certificates.—

(2) For the renewal of a professional certificate, the following requirements shall be met:

(a)1. The applicant shall earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant shall earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 236.0811 in the district's approved 5-year master plan for inservice educational training, including, but not limited to, serving as a trainer in an approved teacher training activity or serving on an instructional materials *committee council* or a state board or commission which deals with educational issues.



2. In lieu of college course credit or inservice points, the applicant may renew a specialization area by passage of a state board approved subject area test or by completion of a department approved summer work program in a business or industry directly related to an area of specialization listed on the certificate. The state board shall adopt rules providing for the approval procedure.

3. In the event an applicant wishes to retain more than two specialization areas on the certificate, the applicant shall be permitted two successive validity periods for renewal of all specialization areas. However, at no time shall less than 6 college course credit hours or the equivalent be earned in any one validity period.

Section 3. Section 233.07, Florida Statutes, is amended to read:

233.07 State instructional materials *committees* ~~councils~~; appointment; term; compensation.—

(1) Each school year, not later than April 15, the Commissioner of Education shall appoint state instructional materials *committees* ~~councils~~ composed of persons actively engaged in teaching or in the supervision of teaching in the public elementary or secondary schools and representing the major fields and levels in which instructional materials are used in the public schools of the state and, in addition, lay citizens not professionally connected with education. There shall be *committees* ~~councils~~ for the recommendation of instructional materials for the elementary and secondary grades as may be found necessary by the Commissioner of Education. *Committee* ~~Council~~ members shall receive training pursuant to s. 233.095 in competencies related to the evaluation and selection of instructional materials.

(a) There shall be nine members on each *committee* ~~council~~: Four shall be classroom teachers who are certified in an area directly related to the academic area or level being considered for adoption, two shall be lay persons, one shall be a school board member, and two shall be supervisors of teachers. ~~Personnel designated as associate master teachers or master teachers pursuant to s. 231.533 or selected as teachers of the year at the school, district, regional, or state level pursuant to the provisions of the program conducted by the Department of Education shall be encouraged to serve on instructional materials committees councils.~~

(b) The commissioner shall determine annually the areas in which instructional materials shall be submitted for adoption. One of the factors upon which he shall base his decision is the desires of the school districts. The commissioner shall also determine the number of titles to be adopted in each area, not to exceed 15 titles.

(2)(a) ~~Effective June 30, 1974, All current appointments are terminated and no current appointee shall be reappointed except pursuant to the conditions prescribed in this section. No member shall serve more than two consecutive terms on any committee council. After the effective date of this act, all initial appointments shall be for 18-month staggered terms with one-third of the membership of each council being appointed for 1 year, one-third for 2 years, and one-third for 3 years. Thereafter, all appointments shall be for 3 years.~~ All vacancies shall be filled in the manner of the original appointment for only the time remaining in the unexpired term. A *committee* ~~council~~ member whose term has not expired as of July 1, 1991 1981, shall continue to serve for the remaining period of his appointment. At no time may a school district have more than one representative on a *committee* ~~council~~, it being the intent of the Legislature to involve representatives from the maximum number of school districts in the process of instructional materials selection. The Commissioner of Education and a member of the Department of Education whom he shall designate shall be additional and ex officio members of each *committee* ~~council~~.

(b) The names and mailing addresses of the members of the state instructional materials *committees* ~~councils~~ shall be made public when appointments are made.

(c) The district school board shall be reimbursed for the actual cost of substitute teachers for each workday that a member of its instructional staff is absent from his assigned duties for the purpose of rendering service to the state instructional materials *committee* ~~council~~. In addition, *committee* ~~council~~ members shall be reimbursed for traveling expenses, and per diem shall be paid to each *committee* ~~council~~ member as provided in s. 112.061 for actual service in meetings of *committees* ~~councils~~ called by the Commissioner of Education. Payment of such travel expenses shall be made by the Treasurer from the appropriation for the administration of the instructional materials program, on warrants to be drawn by the Comptroller upon requisition approved by the commissioner.

(d) Each *committee* ~~council~~ shall meet at the call of its chairman, at the request of a majority of its membership, at the request of the division, or at such times as may be prescribed by its rules. Any member who fails to attend two consecutive meetings without cause may be removed by the Commissioner of Education.

(3) It is the intent of the Legislature that all other references in the law to the state instructional materials *committee* ~~council~~ apply to each *committee* ~~council~~ created by this section.

(4) For purposes of this chapter, "instructional materials" are defined as items that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, consumables, learning laboratories, slides, films and filmstrips, recordings, manipulatives, *computer coursework*, *video discs*, or other such electronic media, and other commonly accepted instructional tools.

Section 4. Section 233.08, Florida Statutes, is amended to read:

233.08 Affidavit of members of state instructional materials *committee* ~~council~~.—Before transacting any business, each member of a district or state *committee* ~~council~~ shall make an affidavit, to be filed with the Commissioner of Education, that:

(1) He will faithfully discharge the duties imposed upon him as a member or as a secretary of the *committee* ~~council~~.

(2) He has no interest, and while a member of the *committee* ~~council~~ he will assume no interest, in any publishing or manufacturing organization which produces or sells instructional materials.

(3) He is in no way connected, and while a member of the *committee* ~~council~~ he will assume no connection, with the distribution of such instructional materials.

(4) He is not pecuniarily interested, and while a member of the *committee* ~~council~~ he will assume no pecuniary interest, directly or indirectly, in the business or profits of any person engaged in manufacturing, publishing, or selling instructional materials designed for use in the public schools.

(5) He will not accept any emolument or promise of future reward of any kind from any publisher or manufacturer of instructional materials or his agent or anyone interested in, or intending to bias his judgment in any way in, the selection of any materials to be adopted.

Section 5. Section 233.09, Florida Statutes, is amended to read:

233.09 Duties of each state instructional materials *committee* ~~council~~.—The duties of each state instructional materials *committee* ~~council~~ shall be:

(1) PLACE AND TIME OF MEETING.—To meet at the call of the Commissioner of Education, at a place in the state designated by him, and to remain there in session for a period of time, not to exceed 20 days, for the purpose of evaluating and recommending instructional materials for adoption by the state. All meetings of state instructional materials *committees* ~~councils~~ shall be announced publicly through the news media of the state at least 2 weeks prior to the date of convening. The announcement of the meeting shall include the agenda of the meeting. All meetings of the *committees* ~~councils~~ shall be open to the public.

(2) ORGANIZATION.—To elect a chairman and vice chairman for each adoption. An employee of the Department of Education shall serve as secretary to the *committee* ~~council~~ and keep an accurate record of its proceedings. All records of district recommendations, *committee* ~~council~~ motions and votes, and summaries of *committee* ~~council~~ debate shall be incorporated into a publishable document and shall be available for public inspection and duplication.

(3) CRITERIA AND PROCEDURES.—To adopt ~~criteria and procedures~~ for evaluating instructional materials submitted by publishers and manufacturers in each adoption. Included in these ~~criteria and procedures~~ shall be the following minimum standards:

(a) Provisions which afford each publisher or manufacturer or his representative an opportunity to present to members of the state instructional materials *committees* ~~councils~~ the merits of each instructional material submitted in each adoption;



(b) Forms on which a district superintendent or his designee shall submit the results of the district instructional materials *committee's* ~~council's~~ recommendations; and

(c) Guidelines for district instructional materials *committees* ~~councils~~, professional associations, and individuals for evaluating instructional materials for state adoption; however, the following minimum standards apply:

1. A district instructional materials *committee council* may not consist of fewer than three persons. One must be a lay person and two must be teachers, it being the intent of the Legislature that *committees* ~~councils~~ of three or more persons include at least one lay person and one-half teachers as a part of their total membership. Teachers serving on district instructional materials *committees* ~~councils~~ must be certified in an area directly related to the academic area or level being considered for adoption. Personnel ~~designated as associate master teachers or master teachers pursuant to s. 231.533 or selected as teachers of the year at the school, district, regional, or state level pursuant to the provisions of the program conducted by the Department of Education are encouraged to serve on instructional materials committees councils.~~

2. A district instructional materials *committee council* may not deny any publisher or manufacturer or his representative time to present his product equal to that time given any other publisher or manufacturer or his representative.

3. Evaluations by district instructional materials *committees* ~~councils~~, professional associations, and individuals must be submitted in such form and manner as prescribed by the state *committee council*. Each instructional material shall be ranked numerically as to its choice in relation to all other materials of the same type evaluated, and no two materials in the same subject area may receive the same numerical rating.

4. District instructional materials *committees* ~~councils~~, professional associations, and individuals who evaluate instructional materials and submit their findings and recommendations to the state *committee council* shall do so in accordance with the provisions of subsection (4).

(4) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate carefully all instructional materials submitted, to ascertain which instructional materials, if any, submitted for consideration best implement the selection criteria developed by the Commissioner of Education and those curricular objectives included within applicable curriculum frameworks approved by the State Board of Education and the state and district performance standards provided for in ss. 229.565 and 232.2454. The *committees* ~~councils~~ shall file with the Commissioner of Education a written statement of the ~~criteria and~~ procedures used in the evaluation of instructional materials, and certified copies of such statements shall be made available to the public upon request. The state instructional materials *committees* ~~councils~~ shall be prohibited from conducting their assigned duties until such written statements are on file with the Commissioner of Education.

(a) When recommending instructional materials for use in the schools, each *committee council* shall include only instructional materials which, in its determination, accurately portray the cultural and racial diversity of our society, including men and women in professional, vocational, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.

(b) When recommending instructional materials for use in the schools, each *committee council* shall include only materials which accurately portray, whenever appropriate, man's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.

(c) When recommending instructional materials for use in the schools, each *committee council* shall require such materials as it deems necessary and proper to encourage thrift, fire prevention, and humane treatment of people and animals.

(d) When recommending instructional materials for use in the schools, each *committee council* shall require, when appropriate to the comprehension of pupils, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States. No instructional materials shall be recom-

mended by any *committee council* for use in the schools which, in its determination, contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, or occupation.

(e) Instructional materials, recommended for mathematics, science, and computer education shall be consistent with the Comprehensive Plan for Mathematics, Science, and Computer Education.

(f) All instructional materials recommended by each *committee council* for use in the schools shall be, to the satisfaction of each *committee council*, accurate, objective, and current and suited to the needs and comprehension of pupils at their respective grade levels. Instructional materials *committees* ~~councils~~ shall consider for adoption materials developed for academically talented students such as those enrolled in advanced placement courses.

(g) When recommending instructional materials for use in the schools, each *committee council* shall have the recommendations of all districts which submit evaluations on the materials submitted for adoption in that particular subject area aggregated and presented to the members to aid them in the selection process; however, such aggregation shall be weighted in accordance with the full-time equivalent student percentage of each district. Each *committee council* shall prepare an additional aggregation, unweighted, with each district recommendation given equal consideration. No instructional materials shall be evaluated or recommended for adoption unless each of the district *committees* ~~councils~~ shall have been loaned the specified number of samples.

(h) In addition to relying on statements of publishers or manufacturers of instructional material, any *committee council* may conduct, or cause to be conducted, an independent investigation as to the compliance of submitted materials with the requirements of this section.

(i) In the event that, after good faith acquisition of instructional materials by a district school board, the instructional materials are found to be not in accordance with the requirements of this subsection and the school board is unable to acquire other instructional materials which meet the requirements of this subsection in time for them to be used as intended, the school board may use the acquired materials, but only for that academic year.

(5) REPORT OF COMMITTEE COUNCIL.—After a thorough study of all data submitted on each instructional material, and after each member of the appropriate *committee council* has carefully evaluated each instructional material, to present a written report to the Commissioner of Education. Such report shall be made public. The report shall include:

(a) A description of the procedures used in determining the instructional materials to be recommended to the Commissioner of Education.

(b) Recommendations of instructional materials for each grade and subject field in the curriculum of public elementary and secondary schools in the state in which adoptions are to be made. If deemed advisable, the *committee council* may include such other information, expression of opinion, or recommendation as would be helpful to the commissioner. If there is a difference of opinion among the members of the *committee council* as to the merits of any instructional materials, any member may file an expression of his individual opinion.

Section 6. Section 233.095, Florida Statutes, is amended to read:

233.095 Training programs for members of instructional materials *committees* ~~councils~~.—The Department of Education shall develop a training program, to be provided through summer inservice institutes, for persons selected to serve on state and district instructional materials *committees* ~~councils~~. The program shall be structured to assist *committee council* members in developing the skills necessary to make valid and objective decisions regarding the content and rigor of instructional materials. ~~Effective July 1, 1985,~~ All persons serving on instructional materials *committees* ~~councils~~ must complete the training program prior to beginning the review and selection process.

Section 7. Section 233.10, Florida Statutes, is amended to read:

233.10 Findings of *committee council* and voting to be public.—The findings of the *committees* ~~councils~~, including the evaluation of instructional materials, shall be in sessions open to the public. All decisions leading to determinations of the *committees* ~~councils~~ shall be by roll call vote, and at no time will a secret ballot be permitted.

Section 8. Section 233.11, Florida Statutes, is amended to read:

233.11 Contact with publishers, manufacturers, or their representatives prohibited.—It is unlawful for any member of a the state instructional materials *committee council* to discuss matters relating to instructional materials submitted for adoption with any agent of a publisher or manufacturer of instructional materials, either directly or indirectly, except during the period when the *committee council* shall have been called into session for the purpose of evaluating instructional materials submitted for adoption. Such discussions shall be limited to official meetings of the *committee council* and in accordance with rules and regulations adopted by the *committee council* for that purpose.

Section 9. Section 233.115, Florida Statutes, is amended to read:

233.115 Prohibited acts.—

(1) No publisher or manufacturer of instructional material, or any of his representatives, shall offer to give any emolument, money, or other valuable thing, or any inducement, to any school official or member of a district-level or state-level *committee council* to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional materials.

(2) No school official or member of a district or state instructional materials *committee council* shall accept any emolument, money, or other valuable thing, or any inducement, to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material.

(3) Any publisher or manufacturer of instructional materials or his representative or any school official or district or state instructional materials *committee council* member, who violates any of the provisions of this section is guilty of a misdemeanor of the second degree. Any representative of a publisher or manufacturer who violates any of the provisions of this section, in addition to any other penalty, shall be banned from practicing business in the state for a period of 1 calendar year. Any school official or district or state instructional materials *committee council* member who violates any of the provisions of this section, in addition to any other penalty, shall be removed from his official position.

(4) Nothing in this section shall be construed to prevent any publisher, manufacturer, or agent from supplying, for purposes of examination, necessary sample copies of instructional materials to any school official or *committee council* member.

(5) Nothing in this section shall be construed to prevent a school official or *committee council* member from receiving sample copies of instructional materials.

(6) Nothing contained in this section shall be construed to prohibit or restrict a school official from receiving royalties or other compensation, other than compensation paid as commission to the school official for negotiating sales to district boards, from the publisher or manufacturer of instructional materials written, designed, or prepared by such school official, and adopted by the state board or purchased by any district board. No school official shall be allowed to receive royalties on any materials not on the state-adopted list purchased for use by his district school board.

Section 10. Subsection (3) of section 233.14, Florida Statutes, is hereby repealed, and paragraph (b) of subsection (1) of said section is amended to read:

233.14 Bids or proposals; advertisement and its contents; sample books; where deposited.—

(1)

(b) The advertisement shall state that each bidder shall furnish specimen copies of all instructional materials submitted, at a time designated by the Department of Education, which specimen copies shall be identical with the copies approved and accepted by the members of the state instructional materials *committee council*, as prescribed hereafter in this section, and with the copies furnished to the Department of Education and superintendents, as provided in s. 233.18.

Section 11. Subsection (1) of section 233.16, Florida Statutes, is amended to read:

233.16 Powers and duties of Department of Education in selecting and adopting instructional materials.—The powers and duties of the Department of Education in selecting and adopting instructional materials shall be:

(1) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—The Department of Education shall notify all publishers or manufacturers of instructional materials who have submitted bids that within 3 weeks after the deadline for receiving bids, at a designated time and place, it will open bids and proposals which have been submitted and deposited with the Department of Education. At the time and place designated, the bids or proposals shall be opened, read, and tabulated in the presence of the bidders or their representatives. No one may revise his bid after the bids have been filed. When all bids or proposals have been carefully considered, the department shall, from the list of suitable, usable, and desirable instructional materials reported by the state instructional materials *committee council*, select and adopt instructional materials for each grade and subject field in the curriculum of public elementary and secondary schools in the state in which adoptions are made and in the subject areas designated in the advertisement, which adoption shall continue for the period specified in the advertisement, to begin on the ensuing April 1. Such adoption shall not prevent the extension of a contract as provided in subsection (2). The department shall always reserve to itself the right to reject any and all bids or proposals if it is of the opinion that any or all bids, for any reason, should be rejected. The department may ask for new sealed bids from publishers or manufacturers whose instructional materials were recommended by the state instructional materials *committee council* as suitable, usable, and desirable; specify the dates for filing such bids and the date on which they shall be opened; and proceed in all matters regarding the opening of bids and the awarding of contracts as required by the terms and provisions of this chapter. In all cases, bids or proposals shall be accompanied by a cash deposit or certified check of from \$500 to \$2,500, as the department may direct. The department, in adopting instructional materials, shall give due consideration both to the prices bid for furnishing instructional materials and to the report and recommendations of the state instructional materials *committee council*. When the department has finished with the report of the state instructional materials *committee council*, the report shall be filed and preserved in the office of the Department of Education and shall be available at all times for public inspection.

Section 12. Subsections (2) and (4) of section 233.25, Florida Statutes, are amended to read:

233.25 Duties, responsibilities, and requirements of publishers and manufacturers of instructional materials.—Publishers and manufacturers of instructional materials, or their representatives, shall:

(2)(a) *Deliver specimen copies of all instructional materials upon which bids or proposals are based to each member of a state instructional materials committee. Written descriptions and representative samples of each nonprint instructional material upon which a bid or proposal is based shall be delivered for use by all members of the committee. At the conclusion of the review process, manufacturers submitting samples of instructional materials shall be entitled to the return thereof, at the expense of the manufacturers; or, in the alternative, the manufacturers shall be entitled to reimbursement by the individual committee members for the retail value of such samples.*

(b) Loan copies of such ~~printed~~ materials in quantities to be determined by the Department of Education to those districts participating in preadoption evaluations or in lieu thereof, in the case of nonprint instructional materials, descriptions and representative selections therefrom. At the conclusion of the review process, if the district does not return such ~~nonprint~~ instructional materials to the publishers and manufacturers, at their expense, the publishers and manufacturers shall be entitled to reimbursement by the district for the retail value of such materials.

(4) *By a date set by the Commissioner of Education for Effective June 1, 1985, by August 1 of the year that a committee council is considering a specific academic area for adoption, each publisher or manufacturer shall submit to the committee council a written description of how materials meet each of the criteria developed by the commissioner ~~statements adopted by the council pursuant to s. 233.00(3).~~ The description shall include an explanation of the function and goals of the instructional materials program, including the rationale for the design of the program, and the relationship between each of the components comprising the program. Such reports shall be made available to each school district.*

Section 13. Subsection (1) of section 233.48, Florida Statutes, is amended to read:

233.48 Department of Education administrative expense.—The Commissioner of Education shall include in the department's annual legislative budget a request for funds in an amount sufficient to provide the necessary expense for:

## (1) The instructional materials committees councils.

Section 14. Subsection (15) is added to section 229.512, Florida Statutes, to read:

229.512 Commissioner of Education, general powers and duties.—The Commissioner of Education is the chief educational officer of the state, and he has the following general powers and duties:

(15) To develop criteria for use by state instructional materials councils in evaluating materials submitted for adoption consideration. The criteria shall, as appropriate, be based on instructional expectations reflected in curriculum frameworks and student performance standards. The criteria for each subject or course shall be made available to publishers of instructional materials at least 24 months prior to the date on which bids are due as provided by s. 233.14. It is the intent of the Legislature that publishers have ample time to develop instructional materials designed to meet requirements in this state.

Section 15. Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with s. 11.611, Florida Statutes, sections 233.07-233.15, Florida Statutes, shall not stand repealed on October 1, 1991, and shall continue in full force and effect as amended herein.

Section 16. Sections 233.07-233.15, Florida Statutes, are repealed on October 1, 2001, and shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.

Section 17. This act shall take effect October 1, 1991.

**House Amendment 2**—Strike entire title and insert: A bill to be entitled An act relating to education; amending ss. 20.15, 231.24, 233.07, 233.08, 233.09, 233.095, 233.10, 233.11, 233.115, 233.14, 233.16, 233.25, and 233.48, F.S.; changing instructional materials councils to instructional materials committees; revising provisions relating to appointment and terms of committee members; revising items defined as instructional materials; revising certain committee duties; revising provisions relating to duties, responsibilities, and requirements of publishers and manufacturers of instructional materials to provide for delivery of specimen copies of instructional materials; revising provisions relating to submission of certain instructional materials information; repealing s. 233.14(3), F.S., relating to specimen copies and samples of printed and nonprint instructional materials upon which bids or proposals are based; amending s. 229.512, F.S.; requiring the Commissioner of Education to develop selection criteria for instructional materials; saving ss. 233.07-233.15, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

On motions by Senator Walker, the Senate concurred in the House amendments.

**SB 1658** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40      Nays—None

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 2014 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 2014**—A bill to be entitled An act relating to pesticides; providing for an increase in the registration fee and certain dealer's license fees collected by the Department of Agriculture and Consumer Services; providing for deposit of fee proceeds into the General Inspection Trust Fund; providing for the provisions increasing the fees to expire on June 30, 1992; providing an effective date.

**House Amendment 1**—On page 1, lines 14-21, strike all of said lines and insert:

Section 1. (1) Notwithstanding section 487.041, Florida Statutes, the annual pesticide registration fee for each brand, special local need label, and experimental use permit issued by the Department of Agriculture and Consumer Services is \$225.

**House Amendment 2**—In title, on page 1, lines 3 and 4, strike all of said lines and insert: increase in the registration fee collected by the

On motions by Senator Thurman, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

## RETURNING MESSAGES ON HOUSE BILLS

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives requests the return of HB 1537.

*John B. Phelps, Clerk*

**HB 1537**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services;

On motion by Senator Dantzler, **HB 1537** was returned to the House as requested.

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendments to HB 2251 and requests that the Senate recede. In failing to recede, the House requests that a Conference Committee be appointed.

The Speaker has appointed Representatives Goode, Wallace, Mackenzie, Liberti, Ireland, Safley and Thomas as Conferees on the part of the House.

*John B. Phelps, Clerk*

**HB 2251**—A bill to be entitled An act relating to elections; amending s. 106.011, F.S.; redefining "independent expenditure"; amending s. 106.021, F.S.; prohibiting a candidate from changing the designation of office sought and using campaign funds from the prior candidacy for the subsequent candidacy; providing an exception; clarifying that candidates for the office of Governor and Lt. Governor are considered a single candidate for the purpose of appointing a campaign treasurer and designating a campaign depository; amending s. 106.04, F.S.; excluding interest income from the percentage requirement for qualification of committees of continuous existence; amending s. 106.07, F.S., revising the reporting dates for certain candidates; amending s. 106.08, F.S.; revising the limitations on contributions to candidates and political committees; providing that limitations on contributions apply separately to the first and second primary and general elections only if a candidate for the office sought is opposed in that particular election; providing a separate limit on contributions by minors; providing for the application of the contribution limits to two or more entities considered as a single entity in certain circumstances; providing penalties; reenacting ss. 106.04(5), 106.075(2), 106.19(1)(a), and 106.29(4), F.S., relating to contributions by committees of continuous existence, contributions to pay loans, penalty for acceptance of contributions in excess of limits, and contributions by executive committees, to incorporate the amendment to s. 106.08, F.S., in references thereto; creating s. 106.081, F.S.; prohibiting certain contributions during legislative sessions for certain candidates; providing exceptions; prohibiting certain solicitation; providing a penalty; creating s. 106.085, F.S.; requiring persons or groups making certain independent expenditures on behalf of or in opposition to any candidate to give notice thereof; providing a penalty; amending s. 106.11, F.S.; removing the requirement that "thank you" advertising must be placed in the communications media to be a qualified expenditure after a candidate withdraws, becomes unopposed, or is eliminated or elected; amending s. 106.141, F.S.; providing an additional method for the disposition of surplus funds; amending s. 106.143, F.S.; requiring political advertisements to include a disclaimer for certain candidates for statewide office who elect not to participate in election campaign financing; providing additional requirements for electronically recorded political advertisements; allowing for the disclaimers to be provided in a language other than English; providing a penalty; amending s. 106.15, F.S.; prohibiting the making, solicitation, and acceptance of campaign contributions in buildings owned by a governmental entity; providing an exception; providing a penalty; amending s. 106.25, F.S., relating to confidentiality of complaints filed with the Florida Elections Commission, to provide that complainants are not bound thereby; amending s. 106.32, F.S.; providing for deposit into the Election Campaign Financing Trust Fund of funds from an additional service charge on income of a revenue nature deposited in certain trust funds; providing for appropriations from the Working Capital Fund under certain circumstances; amending s. 106.33, F.S.; revising election campaign financing eligibility provisions; amending s. 106.34, F.S.; revising the expenditure limits for candidates for Governor and Lt. Governor or Cabinet officer

who accept contributions from the Election Campaign Financing Trust Fund; amending s. 106.35, F.S.; revising election campaign financing provisions relating to reporting and to certification and distribution of funds, including matching requirements; providing rulemaking authority; creating s. 106.353, F.S.; requiring candidates voluntarily abiding by election campaign financing limits but not requesting public funds to file an irrevocable statement to that effect with the Secretary of State; providing a penalty; creating s. 106.355, F.S.; providing for release from the expenditure limits when opposing nonparticipating candidates exceed the limits; amending s. 106.36, F.S., to conform; amending s. 215.20, F.S.; specifying trust funds from which a deduction for the cost of general government shall be made, for deposit in the General Revenue Fund; providing that a deduction from specified trust funds shall be deposited in the Election Campaign Financing Trust Fund rather than the Agency Budget Sunset Trust Fund; providing a limitation; eliminating the future review and repeal of said deduction; amending s. 215.22, F.S.; specifying the income and trust funds exempt from the deduction for the General Revenue Fund; amending s. 215.23, F.S., to conform; amending ss. 200.132, 206.60, 206.875, 206.879, 206.9845, 206.9945, 210.20, 212.06, 212.69, 319.32, 325.214, and 624.506, F.S.; conforming language relating to various revenues and trust funds; requiring, to the extent permitted by federal law, radio and television stations, including cable television stations, to make air time available to candidates for public office at the lowest unit rate; providing effective dates.

On motions by Senator Weinstock, the Senate refused to recede from Senate amendments to **HB 2251** and acceded to the request for a conference committee.

#### CONFEREES ON HB 2251 APPOINTED

The President appointed Senators Girardeau, Weinstock, Brown, Dudley, Weinstein and Alternates Plummer and Crotty.

The action of the Senate was certified to the House.

#### RETURNING MESSAGES—FINAL ACTION

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed CS for SB 132, SB 154, CS for SB 284, Senate Bills 424, 1088, CS for SB 1192, CS for SB 1440, SB 1568 and CS for SB 1996.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

#### AMENDMENTS TO SENATE BILLS

##### CS for SB 46

Senator Grant moved the following amendments which were adopted:

**Amendment 1**—On page 2, strike all of lines 8 and 9 and insert:

Section 2. Subsections (1) and (2) of section 320.025, Florida Statutes, are reenacted and amended to read:

320.025 Registration certificate and license plate issued under fictitious name; application.—

(1) A confidential registration certificate and registration license plate shall be issued under a fictitious name only for a motor vehicle owned or operated by a law enforcement agency of state, county, municipal, federal government, or any state public defender's office. The requesting agency shall file a written application with the department on forms furnished by the department, which application shall include a statement that the license plate will be used for law enforcement or any state public defender's office activities requiring concealment of publicly leased or owned motor vehicles and a statement of the position classifications of the individuals who are authorized to use the license plate. The department may modify its records to reflect the fictitious identity of the owner or lessee until such time as the license plate and registration certificate are surrendered to it. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(2) Except as provided in subsection (1), any motor vehicle owned or exclusively operated by the state or any county, municipality, or other governmental entity shall at all times display a license plate of the type prescribed in s. 320.0655. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 3. Paragraph (b) of subsection (1) of section 378.406, Florida Statutes, is reenacted and amended to read:

378.406 Confidentiality of records; availability of information.—

(1)

(b) Nothing in this section shall be construed to prevent the use of such records in judicial proceedings when ordered to be produced by appropriate subpoena or by order of the court. No such subpoena or order of the court shall abridge or alter the rights or remedies of persons affected in the protection of trade secrets or secret processes in the manner provided by law, and such person affected may take any and all steps available by law to protect such trade secrets or processes. This section shall not prevent the department from providing such information to other agencies if the information is necessary to prepare the reports and studies required by this part. Agencies receiving such information shall be subject to the provisions of this section. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 4. Subsection (2) of section 377.2409, Florida Statutes, is reenacted and amended to read:

377.2409 Geophysical activities; confidential information; penalties.—

(2) Any person who willfully discloses for personal benefit or private gain information received by the division under this section and made confidential by this section, without the consent of the person furnishing the information, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 5. This act shall take effect upon becoming a law, and sections 2, 3, and 4 shall operate retroactively to October 1, 1989.

**Amendment 2**—In title, on page 1, line 9, after the semicolon (;) insert: reenacting and amending s. 320.025(1) and (2), F.S., which provides for confidential registration certificates and license plates for vehicles used by law enforcement agencies; reenacting and amending s. 378.406(1), F.S., which provides confidentiality for secret processes or methods of operation used in land reclamation; reenacting and amending s. 377.2409(2), F.S., which provides confidentiality for information related to geophysical activities;

#### SB 430

The Committee on Community Affairs recommended the following amendment which was moved by Senator Girardeau and adopted:

**Amendment 1**—On page 3, strike all of lines 18-21 and insert:

Section 6. There is hereby appropriated the sum of \$4 million from the Grants and Donations Trust Fund in the Governor's Energy Office for fiscal year 1991-1992. The Governor's Energy Office is hereby authorized to contract and transfer said funds to the Economic Opportunity Trust Fund within the Department of Community Affairs for implementation of the Weatherization Assistance Program.

Senator Girardeau moved the following amendments which were adopted:

**Amendment 2**—On page 3, strike all of lines 18-21 and renumber subsequent section.

**Amendment 3**—In title, on page 1, line 7, strike "providing an appropriation;"

#### CS for CS for SB 516

Senator Jenne moved the following amendments which were adopted:

**Amendment 1**—On page 21, between lines 17 and 18, insert:

Section 11. Paragraph (a) of subsection (3) of section 11.45, Florida Statutes, 1990 Supplement, is amended to read:

11.45 Definitions; duties; audits; reports.—

(3)(a)1. The Auditor General shall annually make financial audits of the accounts and records of all state agencies, as defined in this section, of all district school boards, and of all district boards of trustees of com-

munity colleges. Nothing herein shall limit the Auditor General's discretionary authority to conduct performance audits of these governmental entities as authorized in subparagraph 2. Nothing in this section shall be construed as prohibiting a district school board from selecting an independent auditor to perform a financial audit as defined in paragraph (1)(b) notwithstanding the notification provisions of this section.

2. The Auditor General may at any time make financial audits and performance audits of the accounts and records of all governmental entities created pursuant to law. The audits referred to in this subparagraph shall be made whenever determined by the Auditor General, whenever directed by the Legislative Auditing Committee, or whenever otherwise required by law or concurrent resolution. District school boards and expressway and bridge authorities may require that the annual financial audit of its accounts and records be completed within 12 months after the end of its fiscal year. In the event that the Auditor General may not be able to meet that requirement, the Auditor General shall notify the school board or the expressway and bridge authority pursuant to subparagraph 4.

3.a. The Auditor General shall complete a performance audit of each new major program and each major modification to an existing program specifically identified in the General Appropriations Act, and any new major program or major modification to an existing program which becomes law but which is not specifically identified in the General Appropriations Act, within 3 years after the date when such program or modification becomes law, unless such program or modification has been subject during the 3-year period to an evaluation and review pursuant to ss. 11.513 and 216.0165. The chairmen of the appropriations committees and the appropriate substantive committees of the Senate and the House of Representatives shall provide the Legislative Auditing Committee with a list of the new major programs and major modifications to existing programs provided for in the General Appropriations Act or any other act within 10 days after the General Appropriations Act or the other act becomes law. The Legislative Auditing Committee shall arrange the lists of programs and modifications in order of priority before directing the Auditor General to conduct the performance audits. If the Auditor General conducts a preliminary review of a program or modification and determines that a performance audit is unnecessary, the Auditor General shall submit a letter stating the reasons why such audit is unnecessary to the Legislative Auditing Committee for its review and approval.

b. In addition to any other audits performed under subparagraph 2. and this subparagraph, the Auditor General shall perform an evaluation of the implementation of the recommendations prepared for each agency that has been reviewed under the provisions of s. 216.0165. Such evaluation must begin no later than 2 years after the beginning of the fiscal year that next follows the submission of the budget requests submitted pursuant to s. 216.023(7). The Auditor General shall maintain a schedule of performance audits of state programs sufficient to audit all major state programs within a 10-year period, taking into consideration the schedule established according to s. 216.0165(2) or the schedule determined by the Legislative Auditing Committee pursuant to s. 216.0165(3), unless directed otherwise by the Legislative Auditing Committee.

4. If by July 1 in any fiscal year a district school board or local governmental entity has not been notified that a financial audit for that fiscal year will be performed by the Auditor General pursuant to subparagraph 2., each municipality with either revenues or expenditures of more than \$100,000, each special district with either revenues or expenditures of more than \$25,000, each special district issuing, or which has outstanding bonds with face value greater than \$500,000 with an original maturity date in excess of 1 year from the time of issuance, and each county agency shall, and each district school board may, require that an annual financial audit of its accounts and records be completed, within 12 months after the end of its respective fiscal year, by an independent certified public accountant retained by it and paid from its public funds. A management letter shall be prepared and included as a part of each financial audit report. The county audit shall be one document which shall include a separate audit of each county agency. The county audit shall be a single report. The governing body of a county shall be responsible for selecting an independent certified public accountant to audit the county agencies of the county according to the following procedure:

a. In each noncharter county, an auditor selection committee shall be established, consisting of the county officers elected pursuant to s. 1(d), Art. VIII, State Constitution, and one member of the board of county commissioners or its designee.

b. The committee shall publicly announce, in a uniform and consistent manner, each occasion when auditing services are required to be purchased. Public notice shall include a general description of the audit and shall indicate how interested certified public accountants can apply for consideration.

c. The committee shall encourage firms engaged in the lawful practice of public accounting who desire to provide professional services to submit annually a statement of qualifications and performance data.

d. Any certified public accountant desiring to provide auditing services must first be qualified pursuant to law. The committee shall make a finding that the firm or individual to be employed is fully qualified to render the required services. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record, and experience of the firm or individual.

e. The committee shall adopt procedures for the evaluation of professional services, including, but not limited to, capabilities, adequacy of personnel, past record, experience, and such other factors as may be determined by the committee to be applicable to its particular requirements.

f. The public shall not be excluded from the proceedings under this subparagraph.

g. The committee shall evaluate current statements of qualifications and performance data on file with the committee, together with those that may be submitted by other firms regarding the proposed audit, and shall conduct discussions with, and may require public presentations by, no fewer than three firms regarding their qualifications, approach to the audit, and ability to furnish the required services.

h. The committee shall select no fewer than three firms deemed to be the most highly qualified to perform the required services after considering such factors as the ability of professional personnel; past performance; willingness to meet time requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to the firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. If fewer than three firms desire to perform the services, the committee shall recommend such firms as it determines to be qualified.

i. Nothing in this subparagraph shall be construed to prohibit a contract for a period in excess of 1 year.

j. If the board of county commissioners receives more than one proposal for the same engagement, the board may rank, in order of preference, the firms to perform the engagement. The firm ranked first may then negotiate a contract with the board giving, among other things, a basis of its fee for that engagement. Should the board be unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the board shall then undertake negotiations with the second-ranked firm. Failing accord with the second-ranked firm, negotiations shall then be terminated with that firm and undertaken with the third-ranked firm. Negotiations with the other ranked firms shall be undertaken in the same manner. The board, in negotiating with firms, may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time. The board shall also negotiate on the scope and quality of services. In making such determination, the board shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. For contracts over \$50,000, the board shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that the rates of compensation and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Such certificate shall also contain a description and disclosure of any understanding that places a limit on current or future years' audit contract fees, including any arrangements under which fixed limits on fees will not be subject to reconsideration if unexpected accounting or auditing issues are encountered. Such certificate shall also contain a description of any services rendered by the certified public accountant or firm of certified public accountants at rates or terms that are not customary. Any auditing service contract under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the board determines the contract price was increased due to inaccurate or incomplete factual unit costs. All such contract adjustments shall be made within 1



year following the end of the contract. This sub-subparagraph shall apply to audits covering the 1982-1983 fiscal year, and the procedure in this sub-subparagraph may be used by any county for subsequent audits. If there is a conflict between this sub-subparagraph and s. 473.317, this sub-subparagraph shall prevail.

k. Should the board be unable to negotiate a satisfactory contract with any of the selected firms, the committee shall select additional firms, and the board shall continue negotiations in accordance with this subsection until an agreement is reached.

l. At the conclusion of the audit field work, the independent certified public accountant shall discuss with the head of each county agency and the chairman of the board of county commissioners or his designee or with the chairman of the district school board or his designee, as appropriate, all of the auditor's comments pertaining to that agency which will be included in the audit report containing the auditor's comments for the areas within their responsibility. If the officer is not available to discuss the auditor's comments, their discussion is presumed when the comments are delivered in writing to his office.

m. The officer's written statement of explanation or rebuttal concerning the auditor's comments, including corrective action to be taken, shall be filed with the governing body of the county and with the Auditor General within 30 days after the delivery of the financial audit report.

n. Each district school board or expressway and bridge authority that elects to utilize an independent audit shall select an auditor by using the same selection procedure as outlined under sub-subparagraphs b.-k. The district school board or expressway and bridge authority selection committee shall be set by policy of that respective district school board or expressway and bridge authority. The district school board reports shall be presented to the superintendent of schools and the chairman of the school board in that district and filed with the district school board and the Auditor General in conformity with sub-subparagraphs l. and m., and expressway and bridge authority reports shall be presented to the chairman of the expressway and bridge authority and the Auditor General.

o. The Auditor General, in consultation with the Board of Accountancy, shall adopt rules for the form and conduct of all local governmental entity audits. Such rules shall include, but not be limited to, requirements for the reporting of information necessary to carry out the purposes of the Local Government Financial Emergency and Accountability Act, chapter 79-183, Laws of Florida.

The procedures under sub-subparagraphs a.-k. do not apply to audit agreements or contracts entered into before July 1, 1983.

5. Any financial audit report required under subparagraph 4. shall be submitted to the Auditor General within 30 days after completion of the audit but no later than 12 months after the end of the fiscal year of the governmental entity and district school board. If the Auditor General does not receive the financial audit within such period, he shall notify the Legislative Auditing Committee that such governmental entity has not complied with this subparagraph. Following notification of failure to submit the required audit, a hearing shall be scheduled by the committee for the purpose of receiving testimony addressing the failure of local governmental entities to comply with the reporting requirements of this section. After the hearing, the committee shall determine which local governmental entities will be subjected to further state action. If it finds that one or more local governmental entities should be subjected to further state action, the committee shall:

a. In the case of a local governmental entity, request the Department of Revenue and the Department of Banking and Finance to withhold any funds payable to such governmental entity until the required financial audit is received by the Auditor General.

b. In the case of a special district, notify the Department of Community Affairs that the special district has failed to provide the required audits. Upon receipt of notification, the Department of Community Affairs shall proceed pursuant to ss. 189.421 and 189.422.

6. The Auditor General, in consultation with the Board of Accountancy, shall review all audits made pursuant to this paragraph by an independent certified public accountant.

7. In conducting a performance audit of any agency, the Auditor General shall use the Agency Functional Plan of the agency in evaluating the performance of the agency.

Section 12. Subsection (8) is added to section 20.055, Florida Statutes, 1990 Supplement, to read:

20.055 Agency chief internal auditors.—

(8) *The chief internal auditor shall monitor the implementation of the agency's response to any audit of the agency conducted by the Auditor General pursuant to s. 11.45. No later than 6 months after the Auditor General publishes a report of his audit of the agency, the chief internal auditor shall report to the agency head on the status of corrective actions taken. A copy of such report shall be filed with the Joint Legislative Auditing Committee.*

Section 13. Section 216.176, Florida Statutes, is created to read:

216.176 Truth in budgeting.—The Governor's recommended budget shall contain a "truth in budgeting" statement which shall display in summary form all currently estimated fees, taxes, revenues, or other income which need to be raised to fund the proposed budget and its annualized costs. The "truth in budgeting" statement for the General Appropriations Act shall be completed by the Legislature as soon as practicable but no later than 72 hours prior to the end of the period authorized by law for veto consideration by the Governor.

Section 14. Subsection (3) of section 216.136, Florida Statutes, 1990 Supplement, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(3) REVENUE ESTIMATING CONFERENCE.—

(a) Duties.—The Revenue Estimating Conference shall develop such official information with respect to anticipated state and local governing revenues as the conference determines is needed for the state planning and budgeting system. *Any principal may request the conference to review and estimate revenues for any trust fund.*

(b) Principals.—The Executive Office of the Governor, the director of the Division of Economic and Demographic Research of the Joint Legislative Management Committee, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Revenue Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.

Section 15. Subsection (7) of section 186.003, Florida Statutes, is amended to read:

186.003 Definitions.—As used in ss. 186.001-186.031 and 186.801-186.911, the term:

(7) "State agency functional plan" means the *statement of priority directions agency program policies and objectives and administrative directions contained within the plan that an agency intends to take to carry out its mission within the context of the state comprehensive plan and any other statutory mandate or authorization given to the agency, prepared pursuant to s. 186.021 and s. 186.022.*

Section 16. Section 186.021, Florida Statutes, is amended to read:

186.021 State agency functional plans.—

(1) A state agency functional plan shall be a statement of and identify an agency's strategies and priorities for achieving the state comprehensive plan and any other statutory mandate or authorization given to the agency. ~~contain, at a minimum, a statement of the policies guiding the programs and functions of the agency and shall specify those objectives against which there shall be evaluated the achievement by the agency of its policies and the goals and policies for the state comprehensive plan. A state agency functional plan shall also identify specific agency programs which support and further the goals and policies of the growth management portion of the state comprehensive plan.~~ Each state agency functional plan shall identify infrastructure and capital improvement needs associated with the agency programs, and shall specify those objectives against which the achievement by the agency of its goals and the achievement of the goals and policies of the state comprehensive plan shall be measured.

(2) Each state agency functional plan shall be developed with a 5 year outlook and shall provide the strategic framework by which an agency's legislative budget request and the agency strategic information resource management plan is developed. An agency's budget and its strategic information resource management plan shall be designed to further the agency's functional plan.



(3)(2) All amendments, revisions, or updates to a state agency functional plan shall be prepared in the same manner as the original and shall be prepared as needed because of changes in the state comprehensive plan or changes in the statutory authority and responsibility of the agency.

(4)(3) The Department of Environmental Regulation, with regard to the plan required by s. 373.036, and the state land planning agency, with regard to the plan defined in s. 380.031(17), and the Information Resource Commission, with regard to the plan defined in s. 282.3061, shall prepare such state agency functional plans no later than 6 months after the adoption of revisions to the state comprehensive plan.

Section 17. Section 186.022, Florida Statutes, is amended to read:

186.022 State agency functional plans; preparation, form, and review ~~consistency with state comprehensive plan.~~—

(1) ~~Beginning in 1992, three months before submitting its final legislative budget request pursuant to s. 216.023(1), Within 1 year of the adoption of the state comprehensive plan, and by November 1 of each odd-numbered year thereafter, each state agency, except as provided in s. 186.021, shall prepare and submit its agency functional plan to the Executive Office of the Governor. Prior to the submission of the agency functional plans to the Governor, each agency shall hold public workshops on the proposed agency functional plan, and shall allow at least a 21-day period for public comment. Adequate public notice shall be assured by publication of notice of hearing and comment period in the Florida Administrative Weekly.~~

(2) ~~The Executive Office of the Governor shall review the proposed state agency functional plans for consistency with the state plan, and shall, within 60 days, return a proposed agency functional plan to the agency, together with any proposed revisions.~~

(2)(3) Each agency functional plan shall be in a form and manner prescribed in *written* instructions prepared by the Executive Office of the Governor after consultation with the President of the Senate and the Speaker of the House of Representatives. Each agency functional plan shall identify the financial resources necessary to implement the provisions of the plan, and shall identify the specific legislative authority necessary to implement the elements of the proposed functional plan. An agency may only implement those portions of its functional plan that are consistent with existing statutory or constitutional authority, and for which funding, if needed, is available consistent with the provisions of chapter 216. ~~An agency's financial resources necessary to implement the policies and goals of the state comprehensive plan shall be clearly identified and coordinated between each agency functional plan and the budget requests and recommendations prescribed in s. 216.023(1) shall identify the financial resources necessary to implement the provisions of the agency's functional plan.~~

(3) ~~The Executive Office of the Governor shall review each state agency functional plan for consistency with the state comprehensive plan and any other requirements specified in the written instructions. Within 60 days after receiving an agency's functional plan, the Executive Office of the Governor shall return the plan to the agency together with any proposed revisions.~~

(4) The state agency shall, within 30 days of the return of its ~~proposed~~ state agency functional plan, incorporate all revisions recommended by the Governor, or shall petition the Administration Commission to resolve any disputes regarding the consistency of the state agency functional plan or the revisions recommended by the Governor with the state comprehensive plan or *written instructions*. The Administration Commission shall resolve any disputes within 60 45 days ~~after of~~ the petition.

(5) Any differences between state agencies regarding the programs, policies, or functional plans of such agencies shall be mediated by the Governor.

(6) Each agency shall transmit copies of its functional plan and all public comments on its plan to the President of the Senate and the Speaker of the House of Representatives not later than 30 days prior to the next regular session of the Legislature.

(7) Agency functional plans developed pursuant to this chapter are not rules and therefore are not subject to the provisions of chapter 120.

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, line 2, strike “health” and insert: functional

**Amendment 3**—In title, on page 2, line 9, after the semicolon (;) insert: amending s. 11.45, F.S.; requiring the Auditor General to use agency functional plans in conducting performance audits of agencies; amending s. 20.055, F.S.; providing duties of agency internal auditors; creating s. 216.176, F.S.; requiring truth in budgeting; amending s. 216.136, F.S.; providing duties of the revenue estimating conference; amending s. 186.003, F.S.; redefining state agency functional plan; amending s. 186.021, F.S.; revising the required contents of state agency functional plans; amending s. 186.022, F.S.; providing for preparation, form, and review of state agency functional plans;

#### CS for SB 772

Senator Jenne moved the following amendment:

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Part IV of chapter 501, Florida Statutes, is redesignated as part V of said chapter, and a new part IV, consisting of sections 501.601, 501.602, 501.603, 501.604, 501.605, 501.606, 501.607, 501.608, 501.609, 501.611, 501.612, 501.613, 501.614, 501.615, 501.616, 501.617, 501.618, 501.619, 501.621, 501.622, 501.623, 501.624, 501.625, and 501.626, is created to read:

501.601 Short title.—This part may be cited as the “Florida Telemarketing Act.”

501.602 Purpose.—The provisions of this part shall be construed liberally to promote the general welfare of the public and the integrity of the telemarketing industry.

501.603 Definitions.—As used in this part, unless the context otherwise requires, the term:

(1) “Commercial telephone solicitation” means:

(a) An unsolicited telephone call to a person initiated by a commercial telephone seller or salesperson, or an automated dialing machine with a recorded message device for the purpose of inducing the person to purchase or invest in consumer goods or services;

(b) Other communication with a person where:

1. A gift, award, or prize is offered to a purchaser who has not previously purchased from the person initiating the communication; or

2. A telephone call response is invited; and

3. The salesperson intends to complete a sale or enter into an agreement to purchase during the course of the telephone call; or

(c) Other communication with a person which represents a price, quality, or availability of consumer goods or services and which invites a response by telephone or which is followed by a call to the person by a salesperson.

For purposes of this section, “other communication” means a written or oral notification or advertisement transmitted through any means.

(2) “Commercial telephone seller” means any person who engages in commercial telephone solicitation on his own behalf or through salespersons, except that a commercial telephone seller does not include any of the persons or entities exempted from this part by s. 501.604. A commercial telephone seller does not include a salesperson as defined in subsection (10).

(3) “Consumer goods or services” means any real property or any tangible or intangible personal property which is normally used for personal, family, or household purposes including, without limitation, any such property intended to be attached to or installed in any real property, without regard to whether it is so attached or installed, as well as time-share estates and licenses, and any services related to such property.

(4) “Department” means the Department of Agriculture and Consumer Services.

(5) “Enforcing authority” means the Department of Agriculture and Consumer Services or the office of the state attorney if a violation of this part occurs in or affects the judicial circuit under the jurisdiction of the office of the state attorney.

(6) "Gift, award, or prize" means a gratuity which the purchaser believes to be of value.

(7) "Individual" means a single human being and does not mean a firm, association of individuals, corporation, partnership, joint venture, sole proprietorship, or any other entity.

(8) "Person" includes any individual, group of individuals, firm, association, corporation, partnership, joint venture, sole proprietorship, or any other business entity.

(9) "Purchaser" means a person who is solicited to become or does become obligated to a commercial telephone seller.

(10) "Salesperson" means any individual employed, appointed, or authorized by a commercial telephone seller, regardless of whether the commercial telephone seller refers to the individual as an agent, representative, or independent contractor, who attempts to solicit or solicits a sale on behalf of the commercial telephone seller. A salesperson, however, does not include individuals exempted from this part by s. 501.604 or employees or agents of persons exempted from this part by s. 501.604, or companies and individuals under contract with persons exempted from this part by s. 501.604 when liability is assumed by the exempt entity.

(11) "Solicit" means to initiate contact with a purchaser for the purpose of attempting to sell consumer goods or services, where such purchaser has expressed no previous interest in purchasing, investing in, or obtaining information regarding the property, goods, or services attempted to be sold.

501.604 Exemptions.—The provisions of this part do not apply to:

(1) A person engaging in commercial telephone solicitation where the solicitation is an isolated transaction and not done in the course of a pattern of repeated transactions of like nature.

(2) A person making calls for religious, charitable, political, educational, or other noncommercial purposes or a person soliciting for a non-profit corporation if that corporation is properly registered as such with the Secretary of State and is included within the exemption of s. 501(c)(3) or s. 501(c)(6) of the Internal Revenue Code.

(3) A person soliciting:

(a) Without the intent to complete or obtain provisional acceptance of a sale during the telephone solicitation.

(b) Who does not make the major sales presentation during the telephone solicitation.

(c) Without the intent to complete, and who does not complete, the sales presentation during the telephone solicitation, but who completes the sales presentation at a later face-to-face meeting between the seller and the prospective purchaser. However, if a seller, directly following a telephone solicitation, causes an individual whose primary purpose it is to go to the prospective purchaser to collect the payment or deliver any item purchased, this exemption does not apply.

(4) Any licensed securities, commodities, or investments broker, dealer, or investment advisor, when soliciting within the scope of his license. As used in this section, "licensed securities, commodities, or investments broker, dealer, or investment advisor" means a person subject to license or registration as such by the Securities and Exchange Commission, by the National Association of Securities Dealers or other self-regulatory organization as defined by the Securities Exchange Act of 1934 (15 U.S.C. Sec. 781), or by an official or agency of this state or of any state of the United States.

(5) Any licensed associated person of a securities, commodities, or investments broker, dealer, or investment advisor, when soliciting within the scope of his license. As used in this section, "licensed associated person of a securities, commodities, or investment broker, dealer, or investment advisor" means any associated person registered or licensed by the National Association of Securities Dealers or other self-regulatory organization as defined by the Securities Exchange Act of 1934 (15 U.S.C. Sec. 781) or by an official or agency of this state or of any state of the United States.

(6) A person primarily soliciting the sale of a newspaper, magazine, or periodical of general circulation.

(7) A book, video, or record club or contractual plan or arrangement:

(a) Under which the seller provides the consumer with a form which the consumer may use to instruct the seller not to ship the offered merchandise.

(b) Which is regulated by the Federal Trade Commission trade regulation concerning "use of negative option plans by sellers in commerce."

(c) Which provides for the sale of books, records, or videos which are not covered under paragraphs (a) or (b), including continuity plans, subscription arrangements, standing order arrangements, supplements, and series arrangements under which the seller periodically ships merchandise to a consumer who has consented in advance to receive such merchandise on a periodic basis.

(8) Any supervised financial institution or parent, subsidiary, or affiliate thereof. As used in this section, "supervised financial institution" means any commercial bank, trust company, savings and loan association, mutual savings bank, credit union, industrial loan company, consumer finance lender, commercial finance lender, or insurer, provided that the institution is subject to supervision by an official or agency of this state, of any state, or of the United States.

(9) Any licensed insurance broker, agent, customer representative, or solicitor when soliciting within the scope of his license. As used in this section, "licensed insurance broker, agent, customer representative, or solicitor" means any insurance broker, agent, customer representative, or solicitor licensed by an official or agency of this state or of any state of the United States.

(10) A person soliciting the sale of services provided by a cable television system operating under authority of a franchise or permit.

(11) A business-to-business sale where:

(a) The purchaser business intends to resell the property or goods purchased; or

(b) The purchaser business intends to use the property or goods purchased in a recycling, reuse, remanufacturing, or manufacturing process.

(12) A person who solicits sales by periodically publishing and delivering a catalog of the seller's merchandise to prospective purchasers, if the catalog:

(a) Contains a written description or illustration of each item offered for sale.

(b) Includes the business address or home office address of the seller.

(c) Includes at least 24 pages of written material and illustrations and is distributed in more than one state.

(d) Has an annual circulation by mailing of not less than 250,000.

(13) A person who solicits contracts for the maintenance or repair of goods previously purchased from the person making the solicitation or on whose behalf the solicitation is made.

(14) A commercial telephone seller licensed pursuant to chapter 516 or part II of chapter 520.

(15) A telephone company subject to the provisions of chapter 364, or its subsidiary or agents, or a business which is regulated by the Florida Public Service Commission, or a Federal Communications Commission licensed cellular telephone company or other bona fide radio telecommunication services provider.

(16) A person who is licensed pursuant to chapter 470 and who is soliciting within the scope of the license.

(17) A person licensed pursuant to chapter 497 when soliciting pursuant to that license.

(18) An issuer or a subsidiary of an issuer that has a class of securities which is subject to Section (12) of the Securities Exchange Act of 1934 (15 U.S.C. Sec. 781) and which is either registered or exempt from registration under paragraphs (A), (B), (C), (E), (F), (G), or (H) of subsection (g)(2) of that section.

(19) A business soliciting exclusively the sale of telephone answering services provided that the telephone answering services will be supplied by the solicitor.

(20) A person soliciting a transaction regulated by the Commodity Futures Trading Commission if the person is registered or temporarily licensed for this activity with the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. Sec. 1 et seq) and the registration or license has not expired or been suspended or revoked.

(21) A person soliciting the sale of food or produce as defined in chapter 500 or chapter 504 if the solicitation neither intends to result in, or actually results in, a sale which costs the purchaser in excess of \$100.

(22) A person who is registered pursuant to s. 559.927 and who is soliciting within the scope of the registration.

(23) A person soliciting business from prospective consumers who have an existing business relationship with or who have previously purchased from the business enterprise for which the solicitor is calling, if the solicitor is operating under the same exact business name.

(24) A person who has been operating, for at least 2 years, a retail business establishment under the same name as that used in connection with telemarketing, and both of the following occur on a continuing basis:

(a) Either products are displayed and offered for sale or services are offered for sale and provided at the business establishment.

(b) A majority of the seller's business involves the buyer obtaining such products or services at the seller's location.

(25) A person who is a registered developer or exchange company pursuant to chapter 721 and who is soliciting within the scope of the registration.

(26) Any telephone marketing service company which provides telemarketing sales services under contract to sellers and has been operating continuously for at least 5 years under the same business name and 75 percent of its contracts are performed on behalf of persons exempted from this part by this section.

#### 501.605 Licensure of commercial telephone sellers.—

(1) Prior to doing business in this state, a commercial telephone seller shall obtain a license from the department. Doing business in this state includes both telephone solicitation from a location in Florida and solicitation from other states or nations of purchasers located in Florida.

(2) An applicant for a license as a commercial telephone seller must submit to the department, in such form as it prescribes, a written application for the license. The application must set forth the following information:

(a) The true name, date of birth, social security number, and home address of the applicant, including each name under which he intends to do business.

(b) Each business or occupation engaged in by the applicant during the 3 years immediately preceding the date of the application, and the location thereof.

(c) The previous experience of the applicant as a commercial telephone seller or salesperson.

(d) Whether the applicant has previously been arrested for, convicted of, or is under indictment or information for, a felony and, if so, the nature of the felony. Conviction includes a finding of guilt where adjudication has been withheld.

(e) Whether the applicant has previously been convicted of, or is under indictment or information for, racketeering or any offense involving fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property. Conviction includes a finding of guilt where adjudication has been withheld.

(f) Whether there has ever been a judicial or administrative finding that the applicant has previously been convicted of acting as a salesperson without a license, or whether such a license has previously been refused, revoked, or suspended in any jurisdiction.

(g) Whether the applicant has worked for, or been affiliated with, a company that has had entered against it an injunction, a temporary restraining order, or a final judgment or order, including a stipulated judgment or order, an assurance of voluntary compliance, or any similar document, in any civil or administrative action involving racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property or the use of any untrue, deceptive, or misleading representation or the use of any unfair, unlawful, or deceptive trade practice.

(h) Whether the applicant has had entered against him an injunction, a temporary restraining order, or a final judgment or order, including a stipulated judgment or order, an assurance of voluntary compliance, or any similar document, in any civil or administrative action involving racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property or the use of any untrue, deceptive, or misleading representation or the use of any unfair, unlawful, or deceptive trade practice; and whether or not there is any litigation pending against the applicant.

(i) The name of any parent or affiliated entity that:

1. Will engage in a business transaction with the purchaser relating to any sale solicited by the applicant; or

2. Accepts responsibility or is otherwise held out by the applicant as being responsible for any statement or act of the applicant relating to any sale solicited by the applicant.

(j) The complete street address of each location, designating the principal location, from which the applicant will be doing business. If any location is a mail drop, this shall be disclosed as such.

(k) A list of all telephone numbers to be used by the applicant, with the address where each telephone using these numbers will be located.

(l) The true name, current home address, date of birth, social security number, and all other names by which known, or previously known, of each:

1. Principal officer, director, trustee, shareholder, owner, or partner of the applicant, and of each other person responsible for the management of the business of the applicant.

2. Office manager or other person principally responsible for a location from which the applicant will do business.

3. Salesperson or other person to be employed by the applicant.

The application shall be accompanied by a copy of any: Script, outline, or presentation the applicant will require or suggest a salesperson to use when soliciting, or, if no such document is used, a statement to that effect; sales information or literature to be provided by the applicant to a salesperson; and sales information or literature to be provided by the applicant to a purchaser in connection with any solicitation.

(3) When an application sets forth information regarding an applicant as described in paragraphs (2)(d)-(h), the applicant must:

(a) Identify the court or administrative agency rendering the conviction, judgment, or order against the person or pending litigation.

(b) Provide the docket number of the matter, the date of the conviction, judgment, or order, and the name of the governmental agency, if any, that brought the action resulting in the conviction, judgment, or order. The applicant must also include litigation.

(4) If the applicant is other than a natural person, or if any parent or affiliated entity is identified pursuant to paragraph (2)(i), the applicant must, for itself and any such entity, identify its place of organization and:

(a) In the case of a partnership, provide a copy of any written partnership agreement; or

(b) In the case of a corporation, provide a copy of its articles of incorporation and bylaws.

(5) An application filed pursuant to this part must be verified and accompanied by:

(a) A bond, letter of credit, or certificate of deposit satisfying the requirements of s. 501.611.

(b) A fee for licensing, to be set by rule of the department, sufficient to cover the administrative costs of this part, but not to exceed \$1,500. The fee shall be deposited into the General Inspection Trust Fund.

(6) The department shall issue a license number to all commercial telephone sellers.

(7) It is a violation of this part for a commercial telephone seller to:

(a) Fail to maintain a valid license.

(b) Advertise that one is licensed as a commercial seller or represent that such licensing constitutes approval or endorsement by any government or governmental office or agency.

(c) Provide inaccurate or incomplete information to the department when making a license application.

(d) Misrepresent that a person is registered or that such a person has a valid license number.

#### 501.606 Disclosures required of commercial telephone sellers.—

(1) With respect to any person identified pursuant to s. 501.605, an applicant for a license as a commercial telephone seller must state in his application the identity of any affiliated commercial seller or salesperson who:

(a) Has been convicted of, or is under indictment or information for, racketeering or any offense involving fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property. Conviction includes a finding of guilt where adjudication has been withheld;

(b) Is involved in pending litigation or has had entered against him an injunction, a temporary restraining order, or a final judgment or order, including a stipulated judgment or order, an assurance of voluntary compliance, or any similar document, in any civil or administrative action involving racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property or the use of any untrue, deceptive, or misleading representation or the use of any unfair, unlawful, or deceptive trade practice;

(c) Is, or ever has been, subject to any litigation, injunction, temporary restraining order, or final judgment or order, including a stipulated judgment or order, an assurance of voluntary compliance, or any similar document or any restrictive court order relating to a business activity as the result of any action brought by a governmental agency, including any action affecting any license to do business or practice an occupation or trade;

(d) Has at any time during the previous 7 years filed for bankruptcy, been adjudged bankrupt, or been reorganized because of insolvency; or

(e) Has been a principal, director, officer, or trustee of, or a general or limited partner in, or had responsibilities as a manager in, any corporation, partnership, joint venture, or other entity that filed for bankruptcy, was adjudged bankrupt, or was reorganized because of insolvency within 1 year after the person held that position. The disclosures required in paragraph (d) shall be applicable insofar as they relate to the applicant commercial telephone seller, as well as any affiliated commercial seller or salesperson.

(2)(a) For any person described in subsection (1), the applicant must:

1. Identify the court or administrative agency rendering the conviction, judgment, or order against the person or pending litigation.

2. Provide the docket number of the matter, the date of the conviction, judgment, or order, and the name of the governmental agency, if any, that brought the action resulting in the conviction, judgment, or order.

(b) For any person described in paragraph (1)(e), the applicant must provide the name and address of the person filing for bankruptcy, adjudged bankrupt, or reorganized because of insolvency, the date of the action, the court which exercised jurisdiction, and the docket number of the matter.

(3) Each commercial telephone seller shall disclose to the department the name, address, and account number of each institution where banking or similar monetary transactions are done by the commercial telephone seller.

#### 501.607 Licensure of salespersons.—

(1) An applicant for a license as a salesperson must submit to the department, in such form as it prescribes, a written application for a license. The application must set forth the following information:

(a) The true name, date of birth, social security number, and home address of the applicant.

(b) Each business or occupation engaged in by the applicant during the 3 years immediately preceding the date of the application, and the location thereof.

(c) The previous experience of the applicant as a commercial telephone seller or salesperson.

(d) Whether the applicant has previously been arrested for, convicted of, or is under indictment or information for, a felony and, if so, the nature of the felony. Conviction includes a finding of guilt where adjudication has been withheld.

(e) Whether the applicant has previously been convicted of, or is under indictment or information for, racketeering or any offense involving fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property. Conviction includes a finding of guilt where adjudication has been withheld.

(f) Whether there has ever been a judicial or administrative finding that the applicant has previously been convicted of acting as a salesperson without a license, or whether such a license has previously been refused, revoked, or suspended in any jurisdiction.

(g) Whether the applicant has worked for, or been affiliated with, a company that is involved in pending litigation or has had entered against it an injunction, a temporary restraining order, or a final judgment or order, including a stipulated judgment or order, an assurance of voluntary compliance, or any similar document, in any civil or administrative action involving racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property or the use of any untrue, deceptive, or misleading representation or the use of any unfair, unlawful, or deceptive trade practice.

(h) Whether the applicant is involved in pending litigation or has had entered against him an injunction, a temporary restraining order, or a final judgment or order, including a stipulated judgment or order, an assurance of voluntary compliance, or any similar document, in any civil or administrative action involving racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property or the use of any untrue, deceptive, or misleading representation or the use of any unfair, unlawful, or deceptive trade practice.

(2) An application filed pursuant to this section must be verified and be accompanied by:

(a) A verified statement of the commercial telephone seller with whom the salesperson will be associated, expressing the intention of the commercial telephone seller to associate the salesperson with him and to be responsible for the activities of the salesperson.

(b) A fee for licensing, to be set by rule of the department, sufficient to cover the administrative costs of this part, but not to exceed \$50 per salesperson. The fee shall be deposited into the General Inspection Trust Fund. The fee for licensing may be paid after the application is filed, but must be paid within 14 days after the applicant begins work as a salesperson.

(3) The department shall issue a license number to all salespersons.

(4) It is a violation of this part for a salesperson to:

(a) Fail to maintain a valid license.

(b) Advertise that one is licensed as a salesperson or to represent that such licensing constitutes approval or endorsement by any government or governmental office or agency.

(c) Provide inaccurate or incomplete information to the department when making a license application.

(d) Misrepresent that a person is registered or that such a person has a valid license number.

#### 501.608 License display.—

(1) The department shall issue to each approved applicant a license in such form and size as is prescribed by the department and, in the case of a commercial telephone seller, shall issue a license for each location at which the commercial telephone seller proposes to do business. Each license must show the name and address of the licensee and, in the case of a salesperson's license, must set forth the name of the commercial telephone seller with whom the salesperson will be associated and must indicate whether the salesperson is an employee, agent, representative, or independent contractor.

(2) Each licensee shall prominently display his license at the location where he does business. Each licensee shall make said license available for inspection by any governmental agency upon request.

(3) Failure to display a license is sufficient grounds for the department to issue an immediate cease and desist order. Said order shall remain in effect until such time as the commercial telephone seller can show the authorities that he is licensed. The department shall order the business to cease operations and shall order the phones to be shut off. Defendants have the burden of petitioning the circuit court for relief from the cease and desist order. Failure of a salesperson to display a license may result in the salesperson being summarily ordered by the department to leave the office until such time as he can produce a license for the department.

#### 501.609 License renewal.—

(1) Each person licensed under the provisions of this part must renew his license annually by paying the fee for licensing and submitting to the department the application required by this part.

(2) Except as otherwise provided in subsection (3), if any material change in the information submitted for licensing occurs before the date for renewal, a licensee shall submit that information to the department in the manner prescribed by the department, along with a fee in the amount of \$10.

(3) If any change is made to any script, outline, presentation, sales information, or literature used by a licensee in connection with any solicitation, the new or revised material must be submitted by the licensee to the department within 10 days of the change.

(4) If any licensee has a change of address or status as set forth in ss. 501.605-501.607, notification must be made to the department in writing within 10 days of the change.

#### 501.611 Security.—

(1) An application filed pursuant to s. 501.605 must be accompanied by:

(a) A bond executed by a corporate surety approved by the department and licensed to do business in this state;

(b) An irrevocable letter of credit issued for the benefit of the applicant by a bank whose deposits are insured by an agency of the Federal Government; or

(c) A certificate of deposit in a financial institution insured by an agency of the Federal Government, which may be withdrawn only on the order of the department, except that the interest may accrue to the applicant.

(2) The amount of the bond, letter of credit, or certificate of deposit must be a minimum of \$50,000 and the bond, letter of credit, or certificate of deposit must be conditioned upon compliance by the applicant with the provisions of this part. The department may, at its discretion, establish a bond of a greater amount to ensure the general welfare of the public and the interests of the telemarketing industry.

(3) The bond shall be posted with the department.

(4) The department or any governmental agency, on behalf of any injured purchaser or any purchaser himself who is injured by the bankruptcy of the applicant or his breach of any agreement entered into in his capacity as a licensee, may bring and maintain an action to recover against the bond, letter of credit, or certificate of deposit.

#### 501.612 Grounds for denial of licensure.—

(1) The department may deny licensure to any applicant who:

(a) Has been convicted of racketeering or any offense involving fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property, or any other crime involving moral turpitude. Conviction includes a finding of guilt where adjudication has been withheld;

(b) Has had entered against him or any business for which he has worked or been affiliated, an injunction, a temporary restraining order, or a final judgment or order, including a stipulated judgment or order, an assurance of voluntary compliance, or any similar document, in any civil or administrative action involving racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property or the use of any untrue or misleading representation in an attempt to sell or dispose of real or personal property or the use of any unfair, unlawful, or deceptive trade practice;

(c) Is subject to or has worked or been affiliated with any company which is, or ever has been, subject to any injunction, temporary restraining order, or final judgment or order, including a stipulated judgment or order, an assurance of voluntary compliance, or any similar document, or any restrictive court order relating to a business activity as the result of any action brought by a governmental agency, including any action affecting any license to do business or practice an occupation or trade;

(d) Has at any time during the previous 7 years filed for bankruptcy, been adjudged bankrupt, or been reorganized because of insolvency;

(e) Has been a principal, director, officer, or trustee of, or a general or limited partner in, or had responsibilities as a manager in, any corporation, partnership, joint venture, or other entity that filed the bankruptcy, was adjudged bankrupt, or was reorganized because of insolvency within 1 year after the person held that position;

(f) Has been previously convicted of or found to have been acting as a salesperson or commercial telephone seller without a license or whose licensure has previously been refused, revoked, or suspended in any jurisdiction;

(g) Falsifies or willfully omits any material information asked for in the application; or

(h) Otherwise violates the provisions of this part.

(2) An applicant may appeal the denial or nonrenewal of a license by requesting in writing, within 30 days of receipt of the notice of denial or nonrenewal, a hearing. Said hearing shall be conducted in accordance with the provisions of chapter 120 and presided over by a hearing officer designated by the Department of Agriculture and Consumer Services. When any hearing officer conducts a hearing pursuant to the provisions of chapter 120 with respect to the issuance of a license by the Department of Agriculture and Consumer Services, the hearing officer shall submit his recommendation order to the Department of Agriculture and Consumer Services, which shall thereupon issue a final order of the Department of Agriculture and Consumer Services in accordance with the provisions of chapter 120.

#### 501.613 General disclosures.—

(1) Within the first 30 seconds of a telephone call, a commercial telephone seller or salesperson shall identify himself by stating his true name, the company on whose behalf the solicitation is being made, and the consumer goods or services being sold.

(2) If a sale or an agreement to purchase is completed, the commercial telephone seller must inform the purchaser of his cancellation rights as provided in this part, state the license number issued by the department for both the commercial telephone seller and the salesperson, and give the street address of the commercial telephone seller.

(3) All oral disclosures required by this section shall be made in a clear and intelligible manner.

501.614 Disclosures of gifts and premiums.—If a commercial telephone seller expressly or impliedly represents to any prospective purchaser, directly or through a salesperson, that the purchaser is or may be eligible to receive any gift, premium, bonus, or prize, however denominated, the commercial telephone seller shall submit to the department a statement setting forth, for each item mentioned:

(1) A description of the item.

(2) The value or worth of the item and the basis for the valuation.

(3) All terms and conditions a purchaser must satisfy in order to receive the item. The statement must be accompanied by a copy of the written statement of terms and conditions provided to purchasers pursuant to this part.

(4) If they are ascertainable, the odds, for a given purchaser, of receiving the item.

(5) If a purchaser is to receive fewer than all the items described by the seller:

(a) The manner in which the commercial telephone seller decides which item a given purchaser is to receive.

(b) If they are ascertainable, the odds, for a given purchaser, of receiving each item described.

(c) The name and address of each person who has, during the preceding 12 months or any portion thereof in which the commercial telephone seller has done business, received each gift, premium, bonus, or prize. The provisions of this section shall not apply if the item is unconditionally offered to a purchaser as part of a sale and the buyer has 7 days to return the goods or cancel the services and the right to receive a full refund in 30 days and the right to keep the item in that case without cost.

501.615 Written contract; cancellation; refund.—

(1) A purchase of consumer goods or services ordered as a result of a commercial telephone solicitation as defined in this part, if not followed by a signed written contract, is not final. If a contract is not made in compliance with this section, it is not valid and enforceable against the purchaser. The contract made pursuant to a commercial telephone solicitation shall:

- (a) Be reduced to writing and be signed by the purchaser.
- (b) Match the description of the goods or services as that principally used in the telephone solicitation.
- (c) Contain the name, address, telephone number, and registration number of the commercial telephone seller and the salesperson, the total price of the contract, and a detailed description of the goods or services being sold.
- (d) Contain the value or worth of any item, good, or service specified in s. 501.614, and the basis for the valuation.
- (e) Contain all terms and conditions a purchaser must satisfy in order to receive any item, good, or service specified in s. 501.614.
- (f) Contain, if they are ascertainable, the odds, for a given purchaser, of receiving any item specified in s. 501.614.
- (g) Contain, if a purchaser is to receive fewer than all the items specified in s. 501.614 described by the seller:
  1. The manner in which the commercial telephone seller decides which item a given purchaser is to receive.
  2. If they are ascertainable, the odds, for a given purchaser, of receiving each item described.
- (h) Contain, in at least 12-point type, immediately preceding the signature, the following statement: "You are not obligated to pay any money unless you sign this contract and return it to the commercial telephone seller."
- (i) Not exclude from its terms any oral or written representations made by the commercial telephone seller or salesperson to the purchaser in connection with the transaction.

(2) A commercial telephone seller who engages a salesperson to make, or cause to be made, a telephone sales call shall not make or submit any charge to the purchaser's credit card account until after the commercial telephone seller receives from the purchaser a copy of the contract which complies with this section. The commercial telephone seller shall then send the purchaser a written confirmation of the sale.

(3) The written contract must contain an explanation of the purchaser's rights under this section and a statement indicating when notice of cancellation should be sent. The purchaser may give notice of cancellation to the commercial telephone seller in writing within 3 business days after receipt of the confirmation. If the commercial telephone seller has not provided an address for receipt of such notice, cancellation is effective by mailing the notice to the department.

(4) Notice of cancellation by the commercial telephone seller shall be given by certified mail, return receipt requested, and shall be effective when mailed. Notice of cancellation given by the purchaser need not take a particular form and is sufficient if it indicates, by any form of written expression, the name and address of the purchaser and the purchaser's stated intention not to be bound by the sale.

(5) If a commercial telephone seller violates the provisions of this part in making a sale, or fails to deliver an item within 30 calendar days, the contract is voidable by giving notice to the commercial telephone seller, and the purchaser is entitled to a return from the seller, within 14 days, of all consideration paid. Notice of cancellation given by the purchaser need not take a particular form and is sufficient given orally or in writing. Upon receipt by the purchaser of the consideration paid to the

commercial telephone seller, the purchaser shall return to the commercial telephone seller the items received by the purchaser. Any cost of returning the items received by the purchaser shall be borne by the commercial telephone seller, by providing or guaranteeing payment for return shipping. If such payment is not provided or guaranteed, the purchaser may keep, without further obligation, the items received.

(6) A person who purchases goods or services pursuant to a solicitation governed by this part must be given a refund, credit, or replacement, at his option, if:

(a) The goods or services are defective, are not as represented, or if any item described pursuant to this part is not received as promised.

(b) He returns the goods or makes a written request for the refund, credit, or replacement within 7 days after he receives the goods or services. A return or request is timely if shipment is made or the request is postmarked, properly addressed and postage prepaid, within the time provided by this section.

(7) If a purchaser of goods returns only a portion of the goods, the refund, credit, or replacement required by this section may be prorated accordingly.

(8) The refund, credit, or replacement required by this section must be guaranteed by the commercial telephone seller who made the sale, regardless of whether payment for the goods or services is made to that person.

(9) Any contract, agreement to purchase, or written confirmation executed by a seller which purports to waive the purchaser's rights under this part is against public policy and shall be unenforceable, provided that an agreement between a purchaser and commercial telephone seller to extend the delivery time of an item to more than 30 days shall be enforceable if the commercial telephone seller has a reasonable basis to expect that he will be unable to ship the item within 30 days and if the agreement is included in the terms of the written confirmation.

(10) Where a contract or agreement to purchase confers on a purchaser greater rights to cancellation, refund, or return than those enumerated in this part, such contract shall be enforceable and not in violation of this part, provided that all rights under such a contract or agreement to purchase must be specifically stated in a written confirmation sent pursuant to this section.

(11) The provisions of this section shall not reduce, restrict, or eliminate any existing rights or remedies available to purchasers.

(12) Exempt from the requirements of subsections (1) through (5) is any sale in which the consumer is given a full refund for the return of undamaged and unused goods or a cancellation of services notice is given to the seller, within 7 days after receipt of the goods or services by the consumer, and the seller shall process the refund within 30 days after receipt of the returned merchandise by the consumer.

501.616 Unlawful acts and practices.—

(1) It shall be unlawful for any commercial telephone seller or salesperson to require that payment be by credit card authorization or otherwise to announce a preference for that method of payment.

(2) It shall be unlawful for any commercial telephone seller to employ, or be affiliated with, any unlicensed salesperson.

(3) It shall be unlawful for any salesperson to be employed by, or affiliated with, an unlicensed commercial telephone seller.

(4) It shall be unlawful for any commercial telephone seller or salesperson to be unlicensed.

(5) It shall be unlawful for any salesperson or commercial telephone seller to otherwise violate the provisions of this part.

501.617 Investigative powers of enforcing authority.—

(1) If, by his own inquiries or as a result of complaints, the enforcing authority has reason to believe that a person has engaged in, or is engaging in, an act or practice that violates the provisions of this part, he may administer oaths and affirmations, subpoena witnesses or matter, and collect evidence. Within 10 days after the service of a subpoena or at any time before the return date specified therein, whichever is longer, the party served may file in the circuit court in the county in which he resides or in which he transacts business and serve upon the enforcing authority



a petition for an order modifying or setting aside the subpoena. The petitioner may raise any objection or privilege which would be available under this part or upon service of such subpoena in a civil action. The subpoena shall inform the party served of his rights under this subsection.

(2) If matter that the enforcing authority seeks to obtain by subpoena is located outside the state, the person subpoenaed may make it available to the enforcing authority or his representative to examine the matter at the place where it is located. The enforcing authority may designate representatives, including officials of the state in which the matter is located, to inspect the matter on his behalf, and he may respond to similar requests from officials of other states.

(3) Upon failure of a person without lawful excuse to obey a subpoena and upon reasonable notice to all persons affected, the enforcing authority may apply to the circuit court for an order compelling compliance.

501.618 General civil remedies.—The department may bring:

(1) An action to obtain a declaratory judgment that an act or practice violates the provisions of this part.

(2) An action to enjoin a person who has violated, is violating, or is otherwise likely to violate the provisions of this part.

(3) An action on behalf of one or more purchasers for the actual damages caused by an act or practice performed in violation of the provisions of this part. Such an action may include, but is not limited to, an action to recover against a bond, letter of credit, or certificate of deposit as otherwise provided in this part.

Upon motion of the enforcing authority in any action brought under this section, the court may make appropriate orders, including appointment of a master or receiver or sequestration of assets, to reimburse consumers found to have been damaged, to carry out a consumer transaction in accordance with the consumer's reasonable expectations, or to grant other appropriate relief. The court may assess the expenses of a master or receiver against a commercial telephone seller. Any injunctive order, whether temporary or permanent, issued by the court shall be effective throughout the state unless otherwise provided in the order.

501.619 Civil penalties.—Any person who engages in any act or practice declared in this part to be unlawful is liable for a civil penalty of not more than \$10,000 for each such violation. This civil penalty may be recovered in any action brought under this part by the department; or the department may terminate any investigation or action upon agreement by the person to pay a stipulated civil penalty. The department or the court may waive any such civil penalty or other fines or costs if the person has previously made full restitution or reimbursement or has paid actual damages to the purchasers who have been injured by the unlawful act or practice.

501.621 Attorney's fees and costs.—

(1) In any civil action or investigation resulting from a transaction involving a violation of the provisions of this part, except as provided in subsection (3), the department shall receive reasonable attorney's fees and costs from the nonprevailing party.

(2) Any award of attorney's fees or costs shall become a part of the judgment and subject to execution as the law allows.

(3) In any civil litigation initiated by the department resulting in a judgment or administrative order, the court may award to the prevailing party reasonable attorney's fees and costs if the court finds that there was a complete absence of a justiciable issue of either law or fact raised by the losing party or if the court finds bad faith on the part of the losing party.

(4) The attorney for the prevailing party shall submit a sworn affidavit of his time spent on the case and his costs incurred.

501.622 Criminal prosecuting authority.—The department may refer such evidence as may be available concerning violations of the provisions of this part or of any rule or order hereunder to any criminal prosecuting agency, which may, in its discretion, with or without such a reference, in addition to any other action it might commence, bring an action against any person to enjoin, restrain, and prevent the doing of any act or practice herein prohibited or declared unlawful.

501.623 Criminal penalties.—

(1) No salesperson shall solicit purchasers on behalf of a commercial telephone seller who is not currently licensed with the department pursuant to the provisions of this part. Any person who violates the provisions of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) No commercial telephone seller shall employ or be affiliated with a salesman who is soliciting purchasers and who is not currently licensed with the department pursuant to the provisions of this part. Any person who violates the provisions of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) No commercial telephone seller or salesperson shall solicit without a license. Any person who violates the provisions of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any commercial telephone seller or salesperson who falsifies information on an application commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Except as provided in subsection (1), subsection (2), subsection (3), or subsection (4), any person who otherwise violates any provision of this part or who directly or indirectly employs any device, scheme, or artifice to deceive in connection with the offer or sale by any commercial telephone seller commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) Any person who is convicted of a second or subsequent violation of the provisions of this part commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A conviction shall include a finding of guilt where adjudication has been withheld.

501.624 Exempt businesses; burden of proof.—In any civil proceeding alleging a violation of the provisions of this part, the burden of proving an exemption specified in s. 501.604 or that such person or entity is not otherwise subject to the provisions of this part is upon the person or entity claiming the exemption. In any criminal proceeding alleging a violation of the provisions of this part, the burden of producing evidence to support a defense based upon an exemption specified in s. 501.604 or that such person or entity is not subject to the provisions of this part is upon the person or entity claiming the defense.

501.625 Other individual remedies.—In addition to any other penalties or remedies provided under law, a person who is injured by a violation of the provisions of this part may bring a civil action for recovery of actual damages and/or punitive damages, including costs, court costs, and attorney's fees. No provision in this part shall be construed to limit any right or remedy provided under law.

501.626 Rulemaking power.—The department shall promulgate rules to implement and carry out the provisions of this part.

Section 2. Part IV of chapter 501, Florida Statutes, as created by this act, is repealed on October 1, 2001, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 3. Paragraph (c) of subsection (5) of section 501.059, Florida Statutes, 1990 Supplement, is amended to read:

501.059 Telephone solicitation.—

(5)

(c) The provisions of this subsection do not apply to contractual sales regulated under other sections of the Florida Statutes, or to the sale of financial services, security sales, or sales transacted by companies or their wholly owned subsidiaries or agents, which companies are regulated by chapter 364, or to the sale of cable television services to the duly franchised cable television operator's existing subscribers within that cable television operator's franchise area.

Section 4. There is hereby appropriated from the General Inspection Trust Fund to the Department of Agriculture and Consumer Services the sum of \$158,899, and five full-time equivalent positions are authorized, to carry out the purposes of this act.

Section 5. This act shall take effect September 1, 1991.

Senator Kurth moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A**—On page 34, strike all of lines 11 and 12 and insert:

Section 4. Subsection (4) of section 501.059, Florida Statutes, 1990 Supplement, is amended to read:

501.059 Telephone solicitation.—

(4) No telephone solicitor shall make or cause to be made any unsolicited telephonic sales call to any residential, mobile, or telephonic paging device telephone number if the number for that telephone appears in the then-current quarterly listing published by the division. *This subsection does not apply to any person licensed pursuant to chapter 475 who calls an actual or prospective seller or lessor of real property when such call is made in response to a yard sign or other form of advertisement placed by the seller or lessor.*

Section 5. This act shall take effect September 1, 1991.

**Amendment 1** as amended was adopted.

Senator Jenne moved the following amendment which was adopted:

**Amendment 2**—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to consumer protection; creating part IV of chapter 501, F.S., relating to telemarketing; providing purpose and definitions; providing exemptions; providing requirements for licensure of commercial telephone sellers and salespersons by the Department of Agriculture and Consumer Services; requiring fees; providing for deposit of fees into the General Inspection Trust Fund; requiring certain disclosures; requiring display of licenses; providing for license renewal; providing security requirements; specifying grounds for denial of licensure; providing for general disclosures and disclosures of gifts and premiums to purchasers; requiring written contracts for purchase of consumer goods or services; providing for refund, credit, or replacement; specifying unlawful acts; providing investigative powers of enforcing authority; providing general civil remedies and civil penalties; providing for attorney's fees and costs; providing for referral to a criminal prosecuting authority; providing criminal penalties; requiring burden of proof of exempt businesses; providing additional individual remedies; providing for rules; providing for review and repeal; amending s. 501.059, F.S.; exempting the sale of cable television services to certain subscribers from contract requirements relating to telephone solicitation; providing an appropriation; providing an effective date.

**SB 854**

The Committee on Appropriations recommended the following amendment which was moved by Senator Weinstein:

**Amendment 1**—On page 1, line 12, strike everything after the enacting clause and insert:

Section 1. Section 234.0515, Florida Statutes, is created to read:

234.0515 Transportation of public school students by private transportation companies.—Where transportation is not provided to public school students pursuant to s. 234.01, the district school board may provide to the parents of those students a list of transportation companies which are able to provide such transportation. Any district school board which provides such a list shall require that, prior to being placed on the list, a transportation company provide to the district school board a notarized statement that all vehicles to be used by the company for the purpose of transporting students have received inspection, maintenance, and repair equal or superior to that required of vehicles used by the district school board. In addition, on the first school day of each month, a transportation company shall provide to the district school board written evidence that each vehicle used for the transportation of students was examined by a capable mechanic. When a cost is incurred by the school board to ensure compliance, a fee shall be charged to the transportation company to offset that cost. The district school board shall have no liability for transportation arranged and provided for students pursuant to this section.

Section 2. This act shall take effect upon becoming a law.

Senator Weinstein moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A**—On page 1, strike all of lines 14-16 and insert:

234.0515 Transportation of school students by private transportation companies.—Where transportation is not provided to public school students pursuant to s. 234.01, or to private school students in grades K through 12, the

**Amendment 1** as amended was adopted.

The Committee on Appropriations recommended the following amendment which was moved by Senator Weinstein:

**Amendment 2**—In title, on page 1, strike all of lines 1-8 and insert: A bill to be entitled An act relating to transportation of school children; creating s. 234.0515, F.S.; authorizing school districts to provide a list of transportation companies to parents of public school students; providing requirements for the list; requiring assessment of a fee; providing an effective date.

Senator Weinstein moved the following amendment to **Amendment 2** which was adopted:

**Amendment 2A**—In title, on page 1, line 17, strike "public"

**Amendment 2** as amended was adopted.

**SB 1028**

Senator Gardner moved the following amendment which was adopted:

**Amendment 1**—On page 2, line 1, after the comma (,) insert: or authorized by permit by the United States Coast Guard,

Senator Myers moved the following amendment:

**Amendment 2**—On page 3, strike all of lines 8-19 and insert:

(3) This section shall not be interpreted to mean that the speeds specified herein are safe for all vessels under all circumstances. Inland Navigation Rule 6, as adopted pursuant to s. 327.33(3), requires that every vessel shall at all times be operated at a safe speed. Compliance with Inland Navigation Rule 6 may require speeds well under those designated by this section.

(4) This section shall not apply in the case of an

Senator Gardner moved the following substitute amendment which failed:

**Amendment 3**—On page 3, strike all of lines 9-11 and insert: the maximum speed on any of the inland salt or fresh waters of the state, and on the waters of the Atlantic Ocean and the Gulf of Mexico within 1/4 mile of the shoreline, between 1/2 hour after sunset and 1/2 hour before sunrise is 25 miles per hour.

The question recurred on **Amendment 2** which was adopted.

Senator Thomas moved the following amendment which was adopted:

**Amendment 4**—On page 3, line 20, after "emergency" insert: , to a vessel that does not have a speedometer,

Senator Bruner moved the following amendment:

**Amendment 5**—On page 2, line 1, strike sections 1-5 and insert: local governments shall within 36 months of the effective date of this legislation, post appropriate speed limits for day time boating upon waters adjacent to and within 100 feet of a navigational channel or upon waters adjacent to and within 100 feet of any such channel.

Senators McKay and Johnson offered the following substitute amendment which was moved by Senator McKay and adopted:

**Amendment 6**—Strike everything after the enacting clause and insert:

Section 1. By January 1, 1992, each county government shall adopt site specific boating speed limits, including navigable channels.

Section 2. This act shall take effect upon becoming a law.

Senator McKay moved the following amendment which was adopted:

**Amendment 7**—Strike everything before the enacting clause and insert: A bill to be entitled An act relating to boating safety; providing for boating speed limits to be set by the County Commissions; providing an effective date.

**CS for SB 1758**

Senator Crenshaw moved the following amendments which were adopted:

**Amendment 1**—On page 32, between lines 2 and 3, insert:

(b) A specification of the type and scope of community-based intermediate sentencing options to be offered and the types and number of offenders to be included in each program.

(c) Specific goals and objectives for reducing the projected number of commitments to the state prison system of persons with presumptive sentences of 22 months or less pursuant to the sentencing guidelines.

(d) Specific evidence of the population status of all programs which are part of the plan, which evidence establishes that such programs do not include offenders who otherwise would have been on a less intensive form of community supervision.

(e) The monthly assessment of population status by the county correctional planning committee of all probation programs owned, operated, or contracted for by the county, including county residential probation programs.

(f) The assessment of population status by the county correctional planning committee of all correctional facilities owned or contracted for by the county.

(g) The assessment of population status by the county correctional planning committee of all probation and restitution centers owned, operated, or contracted for by the Department of Corrections.

(h) The assessment of substance abuse intervention and treatment programs and the assessment of population status of offenders in need of and to be placed in such programs.

(i) A projection of needs for both the construction of county detention facilities and the development of offender diversionary programs.

(j) Annual performance measures that establish whether a participating county complies with its approved comprehensive county correctional plan.

(k) A plan for ongoing involvement and education of the community as to the purposes and accomplishments of the community corrections programs, including, but not limited to, their impact on recidivism.

(l) Verification by the county correctional planning committee that the current percentage of spending levels for county correctional efforts have not been and will not be reduced by community corrections funds which may be received from the state.

(m) A description of program costs and sources of funds for each community corrections program, including community corrections funds, loans, state assistance, and other financial assistance.

(3) DEPARTMENTAL RESPONSIBILITIES.—The Department of Corrections shall have the following powers, duties, and authority:

(a) Administer this act within the goals and mandates of this legislation.

(b) Report by January 1 of each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives the effectiveness of participating counties in diverting nonviolent offenders from the state prison system.

(c) Provide technical assistance and training to local governments, nonprofit entities and agencies, and county correctional planning committees regarding community corrections and the provisions of this act.

(d) Develop minimum standards, policies, and administrative rules for the statewide implementation of this act.

(e) Develop and implement a community corrections partnership contract process and procedure.

(f) Review community correctional plans and provide contract funding.

(g) Conduct a review, as often as necessary but not less than annually, of all program measures, to ensure program accountability.

#### (4) PURPOSES OF COMMUNITY CORRECTIONS FUNDS.—

(a) The secretary of the Department of Corrections may contract for the issuance of community corrections assistance funds from the Community Corrections Trust Fund established within the department to an eligible contracting county for the purposes of:

1. Providing community-based corrections programs within county-owned or county-contracted residential probation programs.

2. Providing nonincarcerative diversionary programs for juvenile offenders or adult offenders who would otherwise be housed in a county detention facility, a state juvenile detention facility, or a state correctional institution.

3. Providing community-based drug treatment programs, both outpatient and residential, by licensed providers.

4. Funding costs for the enhancement of programs within county detention facilities.

(b) Upon the award of community corrections assistance funds, the department shall disburse one-third of the funds for provision of the services described above and shall thereafter disburse the remaining funds on a quarterly basis.

(c) Except as provided herein, contracting counties shall not use any community corrections assistance funds for any of the following purposes:

1. Fixed capital outlay in construction, addition, renovation, or operation of any adult or juvenile secure detention facility;

2. Construction, addition, renovation, or operation of any state facility; or

3. Salary of any state probation and parole officer.

However, community corrections assistance funds may be used to acquire, renovate, and operate county-owned residential probation facilities or programs.

#### (5) LEVEL OF SPENDING.—

(a) A contracting county shall not diminish its previous year level of spending for county correctional expenses to the extent of any community corrections assistance funds received pursuant to this section. Community corrections assistance funds pursuant to this section are enhancements, not replacements, for existing county programs and expenses. Failure to comply with this requirement shall be grounds to revoke a contract or deny a community corrections assistance funds application.

(b) Community corrections assistance funds may only be used for those purposes described in subsection (4) and must be additional to the percentage of county funds currently being expended for such purposes.

(6) CONTINUED CONTRACT FUNDING.—In order to remain eligible for continued contract funding, a contracting county must substantially comply with the goals, standards, and objectives set forth in its comprehensive county correctional plan and with the standards established in this section. Each contracting county shall participate with the Department of Corrections in an evaluation of its program effectiveness in a format to be determined by the department, with particular emphasis placed upon attainment of the goals specified in paragraphs (c) and (d) of subsection (2).

(7) NONCOMPLIANCE WITH PLAN.—If the secretary of the Department of Corrections determines that there are reasonable grounds to believe that a contracting county is not substantially complying with its plan or with the standards established in this section, the secretary shall give 30 days written notice to the governing board of the county and the chair of the county correctional planning committee. If the secretary then finds noncompliance by such contracting county, the secretary shall require the governing board of the county to provide a written agreement as to how and when the specific deficiencies identified by the secretary will be corrected. If no such agreement is submitted to the secretary within the time limit specified, or if such deficiencies are not corrected within 45 days after such an agreement has been approved by the secretary, the secretary may suspend any part or all of the funding until compliance is achieved.

(8) COMMUNITY CORRECTIONS ASSISTANCE TRUST FUND.—There is hereby established in the State Treasury a separate trust fund to be named the Community Corrections Assistance Trust Fund, to be administered by the Department of Corrections for the purpose of providing contract funds to counties for correctional programs as provided in this section, and all moneys appropriated by the Legislature for this purpose shall be credited to this fund. The department shall allocate the funding for these contracts to counties to the extent authorized in the General Appropriations Act.

Section 5. Paragraph (a) of subsection (1) of section 951.23, Florida Statutes, 1990 Supplement, is amended to read:

951.23 County and municipal detention facilities; definitions; administration; standards and requirements.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "County detention facility" means a county jail, a county stockade, a county work prison camp, a county residential probation center, and any other place except a municipal detention facility used by a county or county officer for the detention of persons charged with or convicted of either felony or misdemeanor.

Section 6. For the purpose of incorporating the amendment to section 951.23, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

921.18 Sentence for indeterminate period for noncapital felony.—The court in its discretion may sentence a defendant convicted of a noncapital felony to the custody of the Department of Corrections for an indeterminate period of 6 months to a maximum period of imprisonment. The maximum sentence may be less than the maximum prescribed by law, but shall not be less than the minimum, if any, prescribed for the offense. After July 1, 1990, the court shall consider sentencing a defendant to serve his sentence in a county residential probation center facility as described in s. 951.23 for the county residential probation program as provided in s. 951.231 only if the defendant has not been previously convicted of a felony or twice convicted of a misdemeanor and the existing local facility has available capacity. This section shall not apply to sentences imposed under s. 775.084 or any other statute providing for punishment of habitual criminals.

951.062 Contractual arrangements for operation and maintenance of county detention facilities.—

(1) After consultation with the sheriff and upon adoption of an ordinance by vote of a majority plus one, the governing body of the county may enter into a contract with a private entity for the provision of the operation and maintenance of a county detention facility as defined in s. 951.23(1)(a) and the supervision of county prisoners. The contract may designate a representative from a private entity as the chief correctional officer pursuant to s. 951.061.

951.22 County detention facilities; contraband articles.—

(1) It is unlawful, except through regular channels as duly authorized by the sheriff or officer in charge, to introduce into or possess upon the grounds of any county detention facility as defined in s. 951.23 or to give to or receive from any inmate of any such facility wherever said inmate is located at the time or to take or to attempt to take or send therefrom any of the following articles which are hereby declared to be contraband for the purposes of this act, to wit: Any written or recorded communication; any currency or coin; any article of food or clothing; any intoxicating beverage or beverage which causes or may cause an intoxicating effect; any narcotic, hypnotic, or excitative drug or drug of any kind or nature, including nasal inhalators, sleeping pills, barbiturates, and controlled substances as defined in s. 893.02(4); any firearm or any instrumentality customarily used or which is intended to be used as a dangerous weapon; and any instrumentality of any nature that may be or is intended to be used as an aid in effecting or attempting to effect an escape from a county facility.

Section 7. Section 950.002, Florida Statutes, is created to read:

950.002 County work camps.—

(1) Any county may establish a county work camp, which shall be maintained and operated by the county in accordance with the provisions of chapter 951.

(2) If a county wishes to contract for state construction funding of a county work camp through community corrections construction funds, the county may designate appropriate county-owned land for the site of the proposed facility and shall submit a proposed plan to the Department of Corrections for review pursuant to subsection (4) of s. 951.23. State-owned land may be used for the site if any is available and the state is amenable to its use for this purpose. The proposed plan for construction of a county work camp may include the option of having the facility constructed by the department through state inmate labor.

(3) The proposed county work camp plan shall include provision for the use of county work camp inmates for labor on projects within the county and provision for inmate classification, health services, basic education, basic substance abuse testing and treatment, and job or vocational training within the county work camp.

(4) Upon issuance of a certificate of compliance, the Department of Corrections shall submit the county work camp plan as a part of its legislative budget request.

(5) Upon completion of the county work camp facility, one-half of the total beds shall be designated for the housing of persons whose presumptive sentence exceeds 22 months of incarceration, provided that such persons are sentenced and committed to the custody of the county and receive a sentence of community-based sanctions pursuant to this act; provided further that such persons shall be transferred to the custody of the state in the event that a county no longer participates in such contract or if for any other reason the contract is terminated as provided in subsection (7). The remaining beds shall be reserved for offenders sentenced and committed to the custody of the county. Only those offenders who commit a crime in the county where the county work camp facility is located may be sentenced and committed by the circuit and county courts to such facility; however, any county which has a county work camp facility may enter into an interlocal agreement with any adjacent county which has a county work camp facility for the placement of offenders into the adjacent county's facility when the placing county's facility is full and the adjacent county's facility is not full. The state shall reimburse the county for the total estimated operational costs for the county work camp based upon the estimated cost for operating a comparable state work camp.

(6) A county contracting for community corrections assistance funds may utilize such funding within the county work camp for the provision of programs additional to those described in subsection (3).

(7) In the event any county entering into a contract with the Department of Corrections pursuant to this partnership act determines that it no longer desires to operate a work camp pursuant to this section, or if for any reason a county work camp contract is otherwise terminated, all property relating to such work camp, including all funds, buildings, land, furnishings, equipment, and other chattels subsequently purchased or otherwise acquired by the county in connection with its continued operation of that work camp, automatically reverts to full ownership by the department. At such time as the facility reverts to the department, in the event the county has made any capital improvements to the property or building, the state will reimburse the county for the improvements. Such a reversionary ownership interest of the state in any and all such after-acquired property by the county is in furtherance of the goals established in s. 948.51, and such a present ownership interest by the state is a continuing and insurable state interest.

(8) Pursuant to the applicable provisions of chapter 284, the Division of Risk Management of the Department of Insurance is authorized to insure any county work camp facility established pursuant to this act under the same general terms and conditions as the Department of Corrections is insured by the division for any of its comparable work camps.

(9) The court shall consider the offender's previous criminal history when sentencing a person to a county work camp in order to ensure the protection of the community. Unless otherwise indicated by the sentencing court, persons convicted of any of the following crimes shall not be housed in a county work camp: arson; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated assault; murder; manslaughter; unlawful throwing, placing, or discharging of a destructive device or bomb; aggravated battery; or armed burglary.

(10) There is hereby established in the State Treasury a separate trust fund to be named the Community Corrections Construction Trust Fund, to be administered by the Department of Corrections for the purpose of providing community corrections construction funds to counties to construct county work camps as provided in this section, and all moneys appropriated by the Legislature for this purpose shall be credited to this fund. The department shall allocate the funding for these contracts to the extent authorized in the General Appropriations Act.

Section 8. Section 921.187, Florida Statutes, 1990 Supplement, is amended to read:

921.187 Disposition and sentencing; alternatives; restitution.—

(1) The following alternatives provided in this section for the disposition of criminal cases shall be used in a manner which will best serve the needs of society, which will punish criminal offenders, and which will provide the opportunity for rehabilitation. A court may:

(a) If state incarceration is the best alternative:

1.(g) Impose a split sentence whereby the offender is to be placed on probation upon completion of any specified period of such sentence, which period may include a term of years or less.

2.(4) Sentence an offender to imprisonment in a state correctional institution.

3.(m) Make any other disposition that is authorized by law.

(b) If the offender is sentenced for a felony with respect to which the presumptive sentence pursuant to the sentencing guidelines allows incarceration in the state prison system for up to 22 months:

1.(a) Place the an offender on probation with or without an adjudication of guilt pursuant to s. 948.01.

2.(b) Impose a fine and probation pursuant to s. 948.011 when the offense is punishable by both a fine and imprisonment and probation is authorized.

3.(e) Place the a-felony offender into community control requiring intensive supervision and surveillance pursuant to chapter 948.

4.(d) Impose, as a condition of probation or community control, a period of treatment which shall be restricted to a county facility, a Department of Corrections probation and restitution center, a probation program drug punishment treatment community, or a community residential or nonresidential facility, excluding a community correctional center as defined in s. 944.026, which is owned and operated by any qualified public or private entity providing such services. Before admission to such a facility, the court shall obtain an individual assessment and recommendations on the appropriate treatment needs pursuant to chapter 953 or to the Community Control Implementation Manual, which assessment and recommendations shall be considered by the court in ordering such placements. Placement in such a facility, except for a county residential probation facility, may not exceed 364 days; however, with respect to a probation program drug punishment treatment community, such 364-day restriction shall apply only to the phase I secure residential institutional facilities. Placement in a county residential probation facility may not exceed 3 years. Early termination of placement shall be recommended to the court, when appropriate, by the center supervisor, the supervising probation officer, or the probation program manager.

5.(e) Sentence the an offender pursuant to s. 922.051 to imprisonment in a county jail when a statute directs imprisonment in a state prison, if the offender's cumulative sentence, whether from the same circuit or from separate circuits, is not more than 364 days.

6.(f) Sentence the an offender who is to be punished by imprisonment in a county jail to a jail in another county if there is no jail within the county suitable for such prisoner pursuant to s. 950.01.

7.(h) Require the offender to participate in a work-release or educational or vocational training program pursuant to s. 951.24 while serving a sentence in a county jail, if such a program is available.

8.(4) Require the an offender to perform a specified public service pursuant to s. 775.091.

9.(j) Require the an offender who violates chapter 893 or violates any law while under the influence of a controlled substance or alcohol to participate in a substance abuse program.

10.a.(k)1. Require the an offender who violates any criminal provision of chapter 893 to pay an additional assessment in an amount up to the amount of any fine imposed, pursuant to ss. 893.13(4)(a) and 893.16.

b.2. Require the an offender who violates any provision of s. 893.13 to pay an additional assessment in an amount of \$100, pursuant to ss. 893.13(4)(b) and 943.361.

11. Impose a split sentence whereby the offender is to be placed in a county jail or county work camp upon the completion of any specified term of community supervision.

12. Impose split probation whereby upon satisfactory completion of half the term of probation, the Department of Corrections may place the offender on administrative probation pursuant to s. 948.01 for the remainder of the term of supervision.

13. Require residence in a state probation and restitution center or private drug treatment program for offenders on community control or who have violated conditions of probation.

14. Impose any other sanction which is provided within the community and approved as an intermediate sanction by that community's county correctional planning committee as described in s. 951.26.

(2) The court shall require an offender to make restitution pursuant to s. 775.089, unless the court finds clear and compelling reasons not to order such restitution as provided in that section. If the court does not order restitution, or orders restitution of only a portion of the damages, as provided in s. 775.089, the court shall state on the record in detail the reasons therefor.

Section 9. Subsection (2) of section 944.025, Florida Statutes, is amended to read:

944.025 Pretrial intervention program.—

(2) Any first offender, or any person previously convicted of no more than one nonviolent misdemeanor, who is charged with any nonviolent misdemeanor or felony of the third degree is eligible for release to the pretrial intervention program on the approval of the administrator of the program and the consent of the victim, the state attorney, and the judge who presided at the initial appearance hearing of the offender. As used in this subsection, "nonviolent felony" excludes arson; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated assault; murder; manslaughter; unlawful throwing, placing, or discharging of a destructive device or bomb; aggravated battery; and armed burglary. In no case, however, shall any individual be so released to the pretrial intervention program unless, after consultation with his attorney or one made available to him if he is indigent, he has voluntarily agreed to such program and has knowingly and intelligently waived his right to a speedy trial for the period of his diversion. In no case shall the defendant or his immediate family personally contact the victim or his immediate family to acquire the victim's consent under the provisions of this act.

Section 10. Section 944.026, Florida Statutes, 1990 Supplement, is amended to read:

944.026 Community-based facilities and programs.—

(1) In addition to those facilities and services described elsewhere in this chapter, the department shall develop, provide, or contract for a statewide system of community-based facilities, services, and programs dealing with the rehabilitation of offenders, which shall include, but shall not necessarily be limited to:

(a) A system of community correctional centers to be used for reintegration of the offender back into the community, located at various places throughout the state as provided in s. 944.033 required. The purpose of these centers is to facilitate the reintegration of offenders back into the community by means of participation in various work-release, study-release, or other community rehabilitation programs. However, no facility shall be constructed, leased, or purchased in any county until public hearings have been held in that county. Such public hearings shall be pursuant to uniform rules adopted by the department.

(b) Community-based residential drug treatment facilities which include:

1. Nonsecure facilities, whereby probationers who have violated their terms or conditions, or persons placed on community control, may be required to reside while working, receiving treatment, or attending school; and

2. Secure facilities which provide for limited access for the duration of the program for persons who have violated their conditions of community control.

(c) A system of probation and restitution centers throughout the state whereby probationers and community controllees who have violated their terms or conditions may be required to reside while working, receiving treatment, or attending school, or for persons on probation or community control who are required to attend outpatient substance abuse counseling. The purpose of these facilities and services is to pro-

vide the court with an alternative to committing offenders to more secure state correctional institutions and to assist in the supervision of probationers and community controllees.

~~(b) 1. Drug treatment facilities or services providing in part for secure detention as a part of facilities serving major population centers in each~~

~~2. Drug punishment treatment communities for eligible probationers providing in part for secure detention as a part of treatment communities serving the judicial circuits.~~

~~(2) The following facilities or services shall be provided or contracted for by the department:~~

~~(a) 1. Residential facilities in Dade, Broward, Palm Beach, Duval, Escambia, Leon, Orange, Brevard, Hillsborough, Pinellas, Sarasota (or Manatee), Sumter, Volusia, Alachua, St. Lucie, and Polk Counties, in which probationers, participants in pretrial intervention programs, and others committed to or under the supervision of the department may reside while working or attending school. The purpose of these facilities and services is to provide the court with an alternative to commitment to other state correctional institutions and to assist in the supervision of probationers.~~

~~(2)(a) 2. The department shall develop and implement procedures to diagnose offenders prior to sentencing, for the purpose of recommending to the sentencing court during the prison intake process in order to recommend to the sentencing courts, during the period of retained jurisdiction, suitable candidates for placement in a probation and restitution center.~~

(b) Pretrial intervention programs in appropriate counties to provide early counseling and supervision services to specified first offenders as provided in s. 944.025.

(c) Drug punishment treatment communities for eligible probationers in the state's judicial circuits.

Section 11. For the purpose of incorporating the amendment to section 944.026, Florida Statutes, in references thereto, the subdivisions of Florida Statutes set forth below are reenacted to read:

948.03 Terms and conditions of probation or community control.—

(9)(a) If the court imposes a period of residential treatment or incarceration as a condition of probation or community control, the residential treatment or incarceration shall be restricted to the following facilities:

1. A Department of Corrections probation and restitution center;
2. A probation program drug punishment treatment community;
3. A community residential facility which is owned and operated by any public or private entity, excluding a community correctional center as defined in s. 944.026; or
4. A county-owned facility.

958.04 Judicial disposition of youthful offenders.—

(2) In lieu of other criminal penalties authorized by law and notwithstanding any imposition of consecutive sentences, the court shall dispose of the criminal case as follows:

(b) The court may impose a period of incarceration as a condition of probation or community control, which period of incarceration shall be served in either a county facility, a department probation and restitution center, or a community residential facility which is owned and operated by any public or private entity providing such services. No youthful offender may be required to serve a period of incarceration in a community correctional center as defined in s. 944.026. Admission to a department facility or center shall be contingent upon the availability of bed space and shall take into account the purpose and function of such facility or center. Placement in such a facility or center shall not exceed 364 days.

Section 12. Section 944.033, Florida Statutes, is amended to read:

944.033 Community correctional centers; existence; location; purpose; restriction.—

(1) A statewide system of correctional facilities is established to be known as "community correctional centers."

~~(2) These centers shall be located at various locations throughout the state as required.~~

(2)(3) The purpose of these centers is to facilitate the reintegration of state inmates offenders back into the community by means of participation in various work-release, study-release, community service, substance abuse treatment, and other rehabilitative community rehabilitation programs.

(3)(4) No person convicted of sexual battery pursuant to s. 794.011 or any other sex offense specified in s. 917.012(1) is eligible for placement in any community correctional center unless he has successfully completed a program of treatment pursuant to s. 917.012.

(4) No facility shall be constructed, leased, or purchased in any county until public hearings have been held in that county. Such public hearings shall be held pursuant to uniform rules adopted by the department.

Section 13. Subsections (1) and (2) of section 948.001, Florida Statutes, are renumbered as subsections (2) and (4), respectively, and new subsections (1) and (3) are added to said section, to read:

948.001 Definitions.—As used in this chapter, the term:

(1) "Administrative probation" means a form of noncontact supervision in which an offender who presents a low risk of harm to the community may, upon satisfactory completion of half the term of probation, be placed by the Department of Corrections on nonreporting status until expiration of the term of supervision. The department is authorized to collect an initial processing fee of up to \$50 for each probationer reduced to administrative probation. Such offender is exempt from further payment for cost of supervision as required in s. 945.30.

(2)(1) "Community control" means a form of intensive, supervised custody in the community, including surveillance on weekends and holidays, administered by officers with restricted caseloads. Community control is an individualized program in which the freedom of an offender is restricted within the community, home, or noninstitutional residential placement and specific sanctions are imposed and enforced.

(3) "Drug offender probation" means a form of intensive supervision which emphasizes treatment of drug offenders in accordance with individualized treatment plans administered by officers with restricted caseloads. Caseloads are restricted to a maximum of 50 cases per officer in order to ensure an adequate level of staffing.

(4)(2) "Probation" means a form of community supervision requiring specified contacts with parole and probation officers and other terms and conditions as provided in s. 948.03.

Section 14. Subsections (13), (14), and (15) are added to section 948.01, Florida Statutes, 1990 Supplement, to read:

948.01 When court may place defendant on probation or into community control.—

(13) The court may also impose a split sentence whereby the defendant is sentenced to a term of probation which may be followed by a period of incarceration or, with respect to a felony, into community control, as follows:

(a) If the offender meets the terms and conditions of probation or community control, any term of incarceration may be modified by court order to eliminate the term of incarceration.

(b) If the offender does not meet the terms and conditions of probation or community control, the court shall impose a term of incarceration equal to the remaining portion of the order of probation or community control. Such term of incarceration shall be served under applicable law or county ordinance governing service of sentences in state or county jurisdiction. This paragraph does not prohibit any other sanction provided by law.

(14) The court may also impose split probation whereby, upon satisfactory completion of half the term of probation, the Department of Corrections may place the offender on administrative probation as defined in s. 948.001 for the remainder of the term of supervision.

(15) If it appears to the court upon a hearing that the defendant is a chronic substance abuser whose criminal conduct is a violation of chapter 893, the court may either adjudge the defendant guilty or stay



and withhold the adjudication of guilt; and, in either case, it may stay and withhold the imposition of sentence and place the defendant on drug offender probation.

(a) The Department of Corrections shall develop and administer a drug offender probation program which emphasizes a combination of treatment and intensive community supervision approaches and which includes provision for supervision of offenders in accordance with a specific treatment plan. The program may include the use of graduated sanctions consistent with the conditions imposed by the court. Drug offender probation status shall include surveillance and random drug testing, and may include those measures normally associated with community control, except that specific treatment conditions and other treatment approaches necessary to monitor this population may be ordered.

(b) Offenders placed on drug offender probation are subject to revocation of probation as provided in s. 948.06.

Section 15. Subsection (2) of section 948.10, Florida Statutes, 1990 Supplement, is amended to read:

948.10 Community control programs.—

(2) The department shall commit not less than 10 percent of the parole and probation field staff and supporting resources to the operation of the community control program. Caseloads should be restricted to a maximum of 25 ~~20~~ cases per officer supervisor in order to ensure an adequate level of staffing. Community control is ~~shall be~~ an individualized program in which the offender is restricted to noninstitutional quarters or restricted to his own residence subject to an authorized level of limited freedom.

Section 16. Section 951.26, Florida Statutes, is amended to read:

951.26 County correctional planning committees.—

(1) Each county shall have a county correctional planning committee consisting of the state attorney or his designated assistant state attorney, the public defender or his designated assistant public defender, the chief circuit judge or another circuit judge as his designee, the chief county judge or another county judge as his designee, the chief correctional officer, the sheriff if he is not designated as the chief correctional officer, the state probation circuit administrator or his designee, and the chairman of the board of county commissioners or his designee. In addition, if the county has such program available, the committee must include the director of any county probation or pretrial intervention program. The committee shall also include the director of a local substance abuse treatment program or his designee, and may include representatives from county and state jobs programs and other community groups who work with offenders and victims, as appointed by the chairman of the board of county commissioners. The chairman of the board of county commissioners shall serve as the chairman of the committee.

(2) The committee shall meet at the call of the chairman for the purpose of assessing the population status of all detention or correctional facilities owned or contracted by the county and formulating recommendations to ensure that the authorized capacities of such facilities, as established by the Department of Corrections, are not exceeded. Such recommendations shall include an assessment of the availability of pretrial intervention or probation programs, work-release programs, substance abuse programs, gain-time schedules, applicable bail bond schedules, and the confinement status of the inmates housed within each facility owned or contracted by the county.

(3)(a) The committee may also develop a local correctional facilities plan for future construction needs. The components of the plan shall cover at least a 5-year period. The plan may be submitted for consideration to the local planning agency for the county at least 120 days before the adoption of the comprehensive plan for the county by the local planning agency pursuant to s. 163.3184.

(b) Each county which contracts to receive community corrections funds for its community corrections programs pursuant to s. 948.51 shall require the county correctional planning committee to develop a comprehensive county correctional plan as described therein which includes the future correctional construction needs as described in paragraph (a) of this subsection.

Section 17. The Department of Corrections, in conjunction with the Florida Association of Counties and the Florida Sheriffs Association,

shall conduct within existing resources a study regarding the requirements and standards applicable to county and municipal detention facilities as provided for in chapter 33-8, Florida Administrative Code. A report of the findings and recommendations shall be submitted to the President of the Senate and the Speaker of the House of Representatives by December 1, 1991.

Section 18. Section 944.17, Florida Statutes, is amended to read:

944.17 Commitments and classification; transfers.—

(1) Each prisoner sentenced to the state penitentiary shall be committed by the court to the custody of the department.

(2) Each prisoner committed to the custody of the department shall be conveyed to such institution, facility, or program in the correctional system as the department shall direct, in accordance with its classification scheme.

(3) Notwithstanding the provisions of s. 948.03, only those persons who are convicted and sentenced in circuit court to a cumulative sentence of incarceration for 1 year or more, whether sentence is imposed in the same or separate circuits, may be received by the department into the state correctional system. Such persons shall be delivered to the custody of the department at such reception and classification centers as shall be provided for this purpose.

(4) The department shall design and supply to the clerks of the circuit courts a uniform commitment form to be completed by the clerks and used in the issuing of commitments to the department of all persons convicted and sentenced in their respective courts. The department shall adopt the uniform judgment and sentence forms as promulgated by the Supreme Court in Rule 3.986, Florida Rules of Criminal Procedure.

(5) The department shall also refuse to accept a person into the state correctional system unless the following documents are presented in a completed form by the sheriff or chief correctional officer, or a his designated representative, to the officer in charge of the reception process:

(a) The uniform commitment and judgment and sentence forms as described in subsection (4).

(b) The sheriff's certificate as described in s. 921.161.

(c) A certified copy of the indictment or information relating to the offense for which the person was convicted.

(d) A copy of the probable cause affidavit for each offense identified in the current indictment or information.

(e) A copy of the sentencing guidelines scoresheet and any attachments thereto prepared pursuant to Rule 3.701, Florida Rules of Criminal Procedure.

(f) A copy of the restitution order or the reasons by the court for not requiring restitution pursuant to s. 775.089(1).

(g) The name and address of any victim, if available.

(h) A printout of a current criminal history record as provided through an FCIC/NCIC printer.

In addition, the sheriff or other officer having such person in charge shall also deliver with the foregoing documents any available presentence investigation reports as described in s. 921.231 and any attached documents.

(6) If a person is sentenced by a circuit court to serve a term of imprisonment concurrently with a term being served in another jurisdiction, the sheriff or chief correctional officer shall notify the department of the location at which such person is serving such term of imprisonment and shall forward to the department the documents described in subsection (5).

(7) Pursuant to such regulations as it may provide, the department may transfer prisoners from one institution to another institution in the correctional system and classify and reclassify prisoners as circumstances may require.

(8) If a state prisoner's presence is required in court for any reason after the sheriff or chief correctional officer has relinquished custody to the department, the court shall issue an order for the sheriff or chief correctional officer to assume temporary custody and transport the prisoner

to the county jail pending the court appearance. The sheriff or chief correctional officer, or a his designated representative, shall present a copy of the order to appropriate officers at the facility housing the prisoner prior to assuming temporary custody of the prisoner. Neither the court nor the sheriff or chief correctional officer may release such prisoner without first obtaining confirmation from the department that the prisoner has no commitments from other jurisdictions or outstanding detainers. It is the responsibility of the clerk of the circuit court to provide the department's central office with certified copies of each court action that affects a state commitment.

Section 19. Section 944.32, Florida Statutes, is amended to read:

944.32 Reports of prison inspectors; recordation; inspection.—Upon completing an inspection of any jail or a correctional institution the inspector shall make a full and complete report on such forms as shall be provided by the department. One copy of each report shall be filed with the department, one copy shall be sent to the officer in charge of the jail or correctional institution, one copy shall be sent to the board of county commissioners of the county with the clerk of the circuit court of the county where the inspection is made and as many other copies as the department shall require; these reports shall at all times be open to inspection in the office of the clerk of the circuit court, and shall be matters of public record and subject to inspection by the public at any time.

Section 20. Section 950.02, Florida Statutes, is amended to read:

950.02 Removal to jail of another county.—

(1) When in the opinion of the Governor and the interests of the state demand it, the circuit judge shall, upon the request of the Governor, sheriff or chief correctional officer, make an order directing that any person held under a criminal charge shall be confined in the jail of another county of the state than that in which the offense charged is alleged to have been committed.

(2) When it shall be made to appear to a circuit judge to be necessary to quickly remove a prisoner to the jail of another county for safekeeping or to prevent injury to such prisoner, and the Governor is not easily accessible, or it is deemed inadvisable, by reason of circumstances, to first communicate with the Governor, the circuit judge shall make an order directing that any person held under a criminal charge shall be confined in the jail of another county of the state than that in which the offense is alleged to have been committed. Immediately after the removal the sheriff of the county from which the prisoner was removed shall make full report to the Governor of the state of the reasons for such removal and attach a copy of the said judge's order.

(3) No order above referred to shall be made except by the judge of the circuit in which the county where the offense is alleged to have been committed is located. Such order shall be of full force and effect throughout the state, but the county to which the prisoner is sent, or any officer thereof, is not required to incur or pay any expense or charge of maintaining such prisoner.

Section 21. Section 5 of chapter 90-337, Laws of Florida, is amended to read:

Section 5. Effective July 1, 1990, The Department of Corrections, in conjunction with the Florida Association of Counties and the Florida Sheriffs Association, shall conduct a study regarding the medical expenses paid by the counties for state prisoners. For the purposes of this study, "state prisoner" means any person sentenced by a circuit court and committed to a state prison facility. This term shall include individuals who have been paroled and arrested for a parole violation and incarcerated in a county detention facility pending a revocation hearing. In addition, the term shall include individuals who have been placed on probation for a state felony offense, notwithstanding an adjudication of guilt, and who have been arrested for a violation of probation and incarcerated in a county detention facility. The study shall not include those offenders who have been arrested for a new offense. A report of the findings and recommendations shall be submitted to the President of the Senate and Speaker of the House of Representatives by December February 1, 1991.

Section 22. Section 944.605, Florida Statutes, is amended to read:

944.605 Inmate release; notice by Department of Corrections, Control Release Authority, or Parole Commission.—Within 6 months prior to the release of an inmate from the custody of the Department of Corrections by expiration of sentence under s. 944.275, any release program provided by law, or parole under chapter 947, notification of such anticipated

release date shall be made known by the appropriate agency to the original sentencing judge, the appropriate state attorney, the original arresting law enforcement agency, and the sheriff as chief law enforcement officer of the county in which the inmate plans to reside. If the original sentencing judge is no longer available, such notice shall be sent to the chief judge of the circuit in which the offender was sentenced. In addition, unless otherwise requested by the victim or the personal representative of the victim, the state attorney, the Department of Corrections, the Control Release Authority, or the Parole Commission, whichever is appropriate, shall notify such person within 6 months prior to the inmate's release, if the name and address of such victim or representative of the victim has been furnished to the agency. The state attorney shall provide the latest address documented for the victim to the sheriff with the other documents required by law for the delivery of inmates to those agencies for service of sentence. For the purposes of this section, the Parole Commission or the Control Release Authority is the appropriate agency for any type of release it grants, and the Department of Corrections is the appropriate agency for any type of release it authorizes the appropriate agency for parole releases is the Parole Commission and the appropriate agency for releases by expiration of sentence or by any other release program provided by law is the Department of Corrections. The Department of Corrections, the Control Release Authority, and the Parole Commission shall adopt rules to provide for the timely notification of releases under s. 944.598. This section shall not be construed to imply any repeal or modification of any provision of law relating to notification of victims.

Section 23. Subsection (3) is added to section 947.175, Florida Statutes, to read:

947.175 Notice to local agencies.—

(3) Upon request, the department shall within 30 days notify the state attorney, the victim, or the personal representative of the victim when an inmate is approved for community work release.

Section 24. Section 947.177, Florida Statutes, 1990 Supplement, is amended to read:

947.177 Inmate release; notice by Department of Corrections, Control Release Authority, or Parole Commission.—Within 6 months before 90 days after the anticipated release of an inmate from the custody of the Department of Corrections by expiration of sentence under s. 944.275, control release under s. 947.146, or parole under this chapter, notification of such release date shall be made known by the appropriate agency to the original sentencing judge, the appropriate state attorney, the original arresting law enforcement agency, and the sheriff as chief law enforcement officer of the county in which the inmate plans to reside. If the original sentencing judge is no longer available, such notice shall be sent to the chief judge of the circuit in which the offender was sentenced. In addition, unless otherwise if requested by the victim or the personal representative of the victim, the state attorney, the Department of Corrections, or the Parole Commission, whichever is appropriate, shall notify such person within 6 months before the inmate's release, if the name and address of the victim or representative of the victim has been furnished to the agency of the inmate's anticipated release date. The state attorney shall provide the latest address documented for the victim to the sheriff with the other documents required by law for the delivery of inmates to those agencies for service of sentence. For the purposes of this section, the Parole Commission or the Control Release Authority is the appropriate agency for any type of release it grants, and the Department of Corrections is the appropriate agency for any type of release it authorizes the appropriate agency for parole releases is the Parole Commission and the appropriate agency for releases by expiration of sentence is the Department of Corrections. The Department of Corrections, the Control Release Authority, and the Parole Commission shall adopt rules to provide for the timely notification of releases under s. 944.598. This section shall not be construed to imply any repeal or modification of any provision of law relating to notification of victims.

Section 25. Sections 917.012, 917.014, 917.016, 917.017, 917.018, 917.019, and 917.021, Florida Statutes, are repealed.

Section 26. Subsection (8) of section 945.42, Florida Statutes, is amended, and subsection (14) is added to that section, to read:

945.42 Definitions.—As used in ss. 945.40-945.49, the following terms shall have the meanings ascribed to them, unless the context shall clearly indicate otherwise:

(8) "Mental health treatment facility" means the *Corrections Mental Health Institution* and any other institution that the Assistant Secretary for Health Services of the department specifically designates by rule to provide acute psychiatric care at the hospital level, in contrast to less intensive levels of care such as outpatient mental health care, transitional mental health care, or crisis stabilization care ~~a facility within the Department of Corrections which is designated for the provision of mental health services to inmates.~~

(14) "Transitional mental health care" means a level of care that is more intensive than outpatient care, but less intensive than crisis stabilization care, and is characterized by the provision of traditional mental health treatments such as group and individual therapy, activity therapy, recreational therapy, and chemotherapy, in the context of a structured residential setting. Transitional mental health care is indicated for a person with chronic or residual symptomatology who does not require crisis stabilization care or acute psychiatric care at the hospital level, but whose impairments in functioning nevertheless renders him incapable of adjusting satisfactorily within the general inmate population, even with the assistance of outpatient care.

Section 27. Subsection (2) of section 945.48, Florida Statutes, is amended to read:

945.48 Rights of inmate provided treatment.—

(2) RIGHT TO EXPRESS AND INFORMED CONSENT.—Any inmate provided psychiatric treatment within the department shall be asked to give his express and informed written consent for such treatment. "Express and informed written consent" or "consent" means consent voluntarily given in writing after a conscientious and sufficient explanation and disclosure of the purpose of the proposed treatment; the common side effects of the treatment, if any; the expected duration of the treatment; and the alternative treatment available. The explanation shall enable the inmate to make a knowing and willful decision without any element of fraud, deceit, or duress or any other form of constraint or coercion. ~~Involuntary mental health treatment of an inmate who if an inmate is a patient in a mental health treatment facility by the order of a court and refuses such treatment that as is deemed to be necessary for the appropriate care of the inmate and the safety of the inmate or others, such treatment may be provided at an institution authorized to do so by the Assistant Secretary for Health Services under the following circumstances:~~

(a) In an emergency situation in which there is immediate danger to the health and safety of the inmate or other inmates, such treatment may be provided upon the written order of a physician for a period not to exceed 48 hours, excluding weekends and legal holidays. If, after the 48-hour period, the inmate has not given express and informed consent to the treatment initially refused, the superintendent or administrator shall, within 48 hours, excluding weekends and legal holidays, petition the circuit court serving the county in which the facility is located for an order authorizing the continued treatment of the inmate. In the interim, treatment may be continued upon the written order of a physician who has determined that the emergency situation continues to present a danger to the safety of the inmate or others. ~~If an inmate must be isolated for mental health purposes, that decision must be reviewed within 72 hours by medical staff different from that making the original placement.~~

(b) In a situation other than an emergency situation, the superintendent or administrator shall petition the court for an order authorizing the treatment of the inmate. The order shall allow such treatment for a period not to exceed 90 days from the date of the order. Unless the court is notified in writing that the inmate has provided express and informed consent in writing, that he has been transferred to another institution of the department, or that he is no longer in need of treatment, the superintendent or administrator shall, prior to the expiration of the initial 90-day order, petition the court for an order authorizing the continuation of treatment for another 90-day period. This procedure shall be repeated until the inmate provides consent, ~~is no longer at the mental health treatment facility, or is no longer in need of treatment.~~ Treatment may be continued pending a hearing after the filing of any petition.

(c) At the hearing on the issue of whether the court should authorize treatment for which an inmate has refused to give express and informed consent, the court shall determine by clear and convincing evidence whether the inmate is mentally ill as defined in this chapter; whether such treatment is essential to the care of the inmate; and whether the

treatment is experimental or presents an unreasonable risk of serious, hazardous, or irreversible side effects. In arriving at the substitute judgment decision, the court must consider at least the following:

1. The inmate's expressed preference regarding treatment;
2. The probability of adverse side effects;
3. The prognosis for the inmate without treatment; and
4. The prognosis for the inmate with treatment.

The inmate and his representative shall be provided with a copy of the petition and the date, time, and location of the hearing. The inmate may have an attorney represent him at the hearing, and, if he is indigent, the court shall appoint the office of the public defender to represent him at the hearing. The inmate may testify or not, as he chooses, may cross-examine witnesses testifying on behalf of the facility, and may present his own witnesses.

(d) In addition to the above provisions, when the permission of the inmate cannot be obtained, the administrator of a mental health treatment facility, or his designated representative, with the concurrence of the inmate's attending physician, may authorize emergency surgical or nonpsychiatric medical treatment if such treatment is deemed lifesaving or there is a situation threatening serious bodily harm to the inmate.

Section 28. Subsection (2) of section 951.23, Florida Statutes, 1990 Supplement, is amended to read:

951.23 County and municipal detention facilities; definitions; administration; standards and requirements.—

(2) COLLECTION OF INFORMATION.—In conjunction with the administrators of county detention facilities, the Department of Corrections shall develop an instrument for the collection of information from the administrator of each county detention facility. *Whenever possible, the information shall be transmitted by the administrator to the Department of Corrections electronically or in a computer readable format.* The information shall be provided on a monthly basis and shall include, but is not limited to, the following:

(a) The number of persons housed on the last day of the month by age, race, and sex, per day who are:

1. Felons sentenced to cumulative sentences of incarceration of 364 days or less.
2. Felons sentenced to cumulative sentences of incarceration of 365 days or more.
3. Sentenced misdemeanants.
4. Awaiting trial on at least one felony charge.
5. Awaiting trial on misdemeanor charges only.
6. Convicted felons and misdemeanants who are awaiting sentencing.
7. Undocumented aliens.
8. Juveniles.
9. State parole violators.
10. State inmates who were transferred from a state correctional facility, as defined in s. 944.02, to the county detention facility.

(b) The number of persons housed per day:

1. Pursuant to part I of chapter 394, "The Florida Mental Health Act."
2. Pursuant to chapter 396, the "Comprehensive Alcoholism Prevention, Control, and Treatment Act."
- (c) The cost per day for housing a person in the county detention facility.

(d) The number of persons admitted per month, by age, race, and sex, who are:

1. Felons sentenced to cumulative sentences of incarceration of 364 days or less.

2. *Felons sentenced to cumulative sentences of incarceration of 365 days or more.*
3. *Sentenced misdemeanants.*
4. *Awaiting trial on at least one felony charge.*
5. *Awaiting trial on misdemeanor charges only.*
6. *Convicted felons and misdemeanants who are awaiting sentencing.*
7. *Undocumented aliens.*
8. *Juveniles.*
9. *State parole violators.*
10. *State inmates who were transferred from a state correctional facility, as defined in s. 944.02, to the county detention facility.*

(e) *The number of persons admitted per month, by age, race, and sex:*

1. *Pursuant to part I of chapter 394, "The Florida Mental Health Act."*
2. *Pursuant to chapter 396, the "Comprehensive Alcoholism Prevention, Control, and Treatment Act."*

Section 29. This act shall take effect July 1, 1991, or upon becoming a law, whichever occurs later.

Senator Grant moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A**—On page 44, strike all of lines 26 and 27 and insert:

Section 27. Effective October 1, 1993, section 944.24, Florida Statutes, is amended to read:

944.24 Administration of correctional institutions for women.—

(1) *This section may be cited as the Corrections Equality Act.*

(2)(4) All regularly employed assistants, officers, and employees whose duties bring them into contact with the inmates of the institution shall be women as far as practicable.

(3) *Women inmates shall have access to programs of education, vocational training, rehabilitation, and substance abuse treatment that are equivalent to those programs which are provided for male inmates. The department shall ensure that women inmates are given opportunities for exercise, recreation, and visitation privileges according to the same standards as those privileges are provided for men. Women inmates shall be given opportunities to participate in work release programs which are comparable to the opportunities provided for male inmates and shall be eligible for early release according to the same standards and procedures under which male inmates are eligible for early release.*

(4) *An inmate who is pregnant shall be provided with prenatal care and medical treatment for the duration of her pregnancy. The department shall ensure that a pregnant inmate receives supplemental food and clothing and is excused from inappropriate work assignments. An inmate shall be transferred to a hospital outside the prison grounds if a condition develops which is beyond the scope and capabilities of the prison's medical facilities.*

(5)(2) Any woman inmate who gives birth to a child during her term of imprisonment may be temporarily taken to a hospital outside the prison for the purpose of childbirth, and the charge for hospital and medical care shall be charged against the funds allocated to the institution. The department shall provide for the care of any child so born and shall pay for the child's care until the child is suitably placed outside the prison system.

Section 28. Effective October 1, 1993, section 951.175, Florida Statutes, is created to read:

951.175 Provision of Programs for Women.—

(1) *This section may be cited as the County Corrections Equality Act.*

(2) All regularly employed assistants, officers, and employees whose duties bring them into contact with the inmates of the institution shall be women as far as practicable.

(3) Women inmates shall have access to programs of education, vocational training, rehabilitation, and substance abuse treatment that are equivalent to those programs which are provided for male inmates. The county shall ensure that women inmates are given opportunities for exercise, recreation, and visitation privileges according to the same standards as those privileges are provided for men. Women inmates shall be given opportunities to participate in work release programs which are comparable to the opportunities provided for male inmates and shall be eligible for early release according to the same standards and procedures under which male inmates are eligible for early release.

(4) An inmate who is pregnant shall be provided with prenatal care and medical treatment for the duration of her pregnancy. The county shall ensure that a pregnant inmate receives supplemental food and clothing and is excused from inappropriate work assignments. An inmate shall be transferred to a hospital outside the detention facility grounds if a condition develops which is beyond the scope and capabilities of the county detention center's medical facilities.

(5) Any woman inmate who gives birth to a child during her term of imprisonment may be temporarily taken to a hospital outside the detention facility for the purpose of childbirth, and the charge for hospital and medical care shall be charged against the funds allocated to the detention facility. The county shall provide for the care of any child so born and shall pay for the child's care until the child is suitably placed outside the prison system.

Section 29. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1991.

**Amendment 1** as amended was adopted.

Senator Bruner moved the following amendment:

**Amendment 2**—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the correctional system and sentencing; amending s. 945.30, F.S.; increasing the required minimum amount, and reenacting ss. 946.40(5), 947.1405(2), 948.01(10), 948.06(4), F.S., relating to use of prisoners in public works, conditional release, probation, and community control, to incorporate the amendment to s. 945.30, F.S., in references thereto; creating s. 948.50, F.S.; creating the "Community Corrections Partnership Act"; creating s. 948.51, F.S.; providing legislative intent; providing for eligibility of counties to contract with the Department of Corrections; authorizing the Department of Corrections to enter into contracts with counties; providing for departmental responsibilities; providing purposes for which contracts may be entered into; providing for level of spending and eligibility for continued funding pursuant to such contracts; establishing the Community Corrections Assistance Trust Fund; amending s. 951.23, F.S.; amending the definition of the term "county detention facility," and reenacting ss. 921.18, 951.062(1), and 951.22(1), F.S., relating to indeterminate sentencing, contractual arrangements for operation of county detention facilities, and contraband articles in county detention facilities, to incorporate the amendment to s. 951.23, F.S., in references thereto; creating s. 950.002, F.S.; providing for county work camps; providing for bed designations; authorizing interlocal agreements; excluding certain violent offenders, unless otherwise indicated by the court; providing for ownership by the department upon contract termination; authorizing insurance of county work camps by the Division of Risk Management; establishing the Community Corrections Construction Trust Fund; amending s. 921.187, F.S.; providing for reverse split probation sentencing and other community-based sanctions; amending s. 944.025, F.S.; expanding eligibility for the pretrial intervention program; amending s. 944.026, F.S.; expanding the use of probation and restitution centers; specifying the types of offenders who may be accepted for residence at the center, and reenacting ss. 948.03(9)(a) and 958.04(2)(b), F.S., relating to terms and conditions of probation or community control and judicial disposition of youthful offenders, to incorporate the amendment to s. 944.026, F.S., in references thereto; amending s. 944.033, F.S.; designating the use of community correctional centers; amending s. 948.001, F.S.; creating sentencing options and definitions of "administrative probation" and "drug offender probation"; amending s. 948.01, F.S.; providing for reverse split probation sentencing, for placement of offenders into drug offender probation, and for split probation sentencing with authority in the Department of Corrections to place a low-risk offender on administrative proba-

tion after completion of half his regular probation; amending s. 948.10, F.S.; increasing the number of offenders per officer; amending s. 951.26, F.S.; providing for additional duties and members for county correctional planning committees; amending s. 944.17, F.S.; including chief correctional officers among those required to perform certain recordkeeping requirements on prisoners placed in state custody; prescribing other duties of the chief correctional officer; amending s. 944.32, F.S.; providing for the filing of jail inspection reports with the officer in charge of the facility and the board of county commissioners rather than the clerk of the circuit court; amending s. 950.02, F.S.; deleting the requirement that the Governor first be notified of the need to remove a prisoner from a jail in certain circumstances; amending s. 5, ch. 90-337, Laws of Florida; providing for responsibility of medical expenses of state prisoners; amending s. 944.605, F.S.; specifying who is responsible for notification upon an inmate's release; amending s. 947.175, F.S.; providing for notification, if so requested, upon approval to participate in a community work release program; amending s. 947.177, F.S.; defining who is to provide notification upon an inmate's release; repealing ss. 917.012, 917.014, 917.016, 917.017, 917.018, 917.019, 917.021, F.S., relating to the identification and disposition of mentally disordered sex offenders; amending s. 945.42, F.S.; redefining the term "mental health treatment facility" for purposes of the Corrections Mental Health Act; defining the term "transitional mental health care" for purposes of the act; amending s. 945.48, F.S.; revising certain procedures authorizing the involuntary mental health treatment of inmates; amending s. 951.23, F.S.; requiring monthly collection of additional information; providing an effective date.

WHEREAS, Florida is facing an ever-increasing prison and jail population and a severe budgetary shortfall, and

WHEREAS, incarceration is an expensive method of dealing with offenders, and

WHEREAS, offenders are currently serving, on the average, less than one-third of their sentences, and

WHEREAS, judges sentencing offenders are faced with either placing an offender on probation or sending the offender to prison, resulting in an unacceptably short period of time being served due to overcrowded prisons, and

WHEREAS, there is a lack of sufficient intermediate sanctions, punishments, and treatment programs, and

WHEREAS, of offenders committed to the Department of Corrections in 1990, 15 percent were convicted of drug possession and 35 percent have a previous record of substance abuse, and

WHEREAS, 43 percent of inmates admitted last year had previously served time in prison, and

WHEREAS, both the inmate population within the Department of Corrections and the population under parole and probation supervision by the Department of Corrections has increased from 125,337 in November 1989 to 134,116 in November 1990, and

WHEREAS, it is critical that state and local correctional authorities cooperate and combine forces to protect the public, reduce recidivism, and effectively punish criminal behavior, and

WHEREAS, the state should reserve its prison system for the most serious and violent criminals and should begin, through this first phase of corrections partnership, to provide community-based correctional programs and treatment, NOW, THEREFORE,

Senator Grant moved the following amendment to **Amendment 2** which was adopted:

**Amendment 2A**—In title, on page 4, line 8, after the semicolon (;) insert: amending s. 944.24, F.S.; creating the Corrections Equality Act; requiring the Department of Corrections to provide education and rehabilitation programs for women which are equivalent to the programs provided for male prisoners; requiring the department to allow women prisoners to participate in work release programs and to be eligible for early release under the same procedures and standards that apply for men; requiring the department to make certain additional provisions for pregnant inmates; creating the County Corrections Equality Act; requiring the county to provide education and rehabilitation programs for women which are equivalent to the programs provided for male prisoners; requiring the county to allow women prisoners to participate in work release programs and to be eligible for early release under the same procedures and standards that apply for men; requiring the county to make certain additional provisions for pregnant inmates;

**Amendment 2** as amended was adopted.

#### HB 2499

Senator Dantzler moved the following amendment which was adopted:

**Amendment 1**—On page 1, line 27, strike "(1)"

#### ROLL CALLS ON SENATE BILLS

##### CS for SB 46

Yeas—34

Madam President	Davis	Kirkpatrick	Souto
Bankhead	Diaz-Balart	Kiser	Thurman
Beard	Dudley	Kurth	Walker
Brown	Girardeau	Langley	Weinstein
Bruner	Gordon	Malchon	Weinstock
Casas	Grant	McKay	Wexler
Crenshaw	Grizzle	Meek	Yancey
Crotty	Jennings	Myers	
Dantzler	Johnson	Scott	

Nays—1

Plummer

Vote after roll call:

Yea—Thomas

##### CS for SB 162

Yeas—36

Bankhead	Diaz-Balart	Jennings	Scott
Beard	Dudley	Johnson	Souto
Brown	Forman	Kiser	Thurman
Bruner	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Dantzler	Grizzle	Meek	Wexler
Davis	Jenne	Myers	Yancey

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Plummer

##### CS for SB 254

Yeas—34

Madam President	Dudley	Johnson	Souto
Bankhead	Forman	Kiser	Thomas
Beard	Gardner	Kurth	Thurman
Brown	Girardeau	Malchon	Walker
Casas	Gordon	McKay	Weinstein
Crenshaw	Grant	Meek	Wexler
Crotty	Grizzle	Myers	Yancey
Davis	Jenne	Plummer	
Diaz-Balart	Jennings	Scott	

Nays—3

Bruner Dantzler Langley

Vote after roll call:

Yea—Weinstock

##### SB 430

Yeas—40

Madam President	Childers	Dudley	Grizzle
Bankhead	Crenshaw	Forman	Jenne
Beard	Crotty	Gardner	Jennings
Brown	Dantzler	Girardeau	Johnson
Bruner	Davis	Gordon	Kirkpatrick
Casas	Diaz-Balart	Grant	Kiser

Kurth	Meek	Souto
Langley	Myers	Thomas
Malchon	Plummer	Thurman
McKay	Scott	Walker

Nays—None

**CS for CS for SB 516**

Yeas—39

Madam President	Davis	Jennings
Bankhead	Diaz-Balart	Johnson
Beard	Dudley	Kirkpatrick
Brown	Forman	Kiser
Bruner	Gardner	Kurth
Casas	Girardeau	Langley
Childers	Gordon	McKay
Crenshaw	Grant	Meek
Crotty	Grizzle	Myers
Dantzler	Jenne	Plummer

Nays—None

**CS for SB 734**

Yeas—38

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kirkpatrick	Thurman
Brown	Forman	Kiser	Walker
Bruner	Gardner	Kurth	Weinstein
Casas	Girardeau	Langley	Weinstock
Childers	Gordon	Malchon	Wexler
Crenshaw	Grant	McKay	Yancey
Crotty	Grizzle	Meek	
Dantzler	Jenne	Myers	

Nays—None

**CS for SB 772**

Yeas—40

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey

Nays—None

**SB 854**

Yeas—39

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kirkpatrick	Thomas
Brown	Forman	Kiser	Thurman
Bruner	Gardner	Kurth	Walker
Casas	Girardeau	Langley	Weinstein
Childers	Gordon	Malchon	Weinstock
Crenshaw	Grant	McKay	Wexler
Crotty	Grizzle	Meek	Yancey
Dantzler	Jenne	Myers	

Nays—None

**SB 1028**

Yeas—29

Madam President	Davis	Forman	Gordon
Brown	Diaz-Balart	Gardner	Grizzle
Casas	Dudley	Girardeau	

Weinstein	Jennings	Malchon	Thomas
Weinstock	Johnson	McKay	Thurman
Wexler	Kirkpatrick	Meek	Walker
Yancey	Kiser	Myers	Weinstein
	Kurth	Souto	Weinstock

Wexler  
Yancey

Nays—9

Bankhead	Childers	Dantzler
Beard	Crenshaw	Plummer
Bruner	Crotty	Scott

Vote after roll call:

Nay—Langley

**CS for SB 1188**

Yeas—35

Madam President	Dudley	Kiser	Souto
Bankhead	Forman	Kurth	Thomas
Beard	Gardner	Langley	Thurman
Brown	Girardeau	Malchon	Walker
Casas	Gordon	McKay	Weinstein
Crotty	Grant	Meek	Weinstock
Dantzler	Grizzle	Myers	Wexler
Davis	Jennings	Plummer	Yancey
Diaz-Balart	Johnson	Scott	

Nays—1

Bruner

**CS for SB 1614**

Yeas—37

Madam President	Diaz-Balart	Johnson	Thomas
Bankhead	Dudley	Kiser	Thurman
Beard	Forman	Langley	Walker
Brown	Gardner	Malchon	Weinstein
Bruner	Girardeau	McKay	Weinstock
Casas	Gordon	Meek	Wexler
Childers	Grant	Myers	Yancey
Crenshaw	Grizzle	Plummer	
Dantzler	Jenne	Scott	
Davis	Jennings	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**CS for SB 1622**

Yeas—33

Bankhead	Davis	Jennings	Scott
Beard	Diaz-Balart	Johnson	Souto
Brown	Dudley	Kirkpatrick	Thomas
Bruner	Forman	Kiser	Thurman
Casas	Gardner	Kurth	Walker
Childers	Girardeau	Langley	Yancey
Crenshaw	Gordon	McKay	
Crotty	Grant	Meek	
Dantzler	Grizzle	Myers	

Nays—None

Vote after roll call:

Yea—Jenne, Malchon

**CS for SB 1624**

Yeas—38

Madam President	Bruner	Crotty	Dudley
Bankhead	Casas	Dantzler	Forman
Beard	Childers	Davis	Gardner
Brown	Crenshaw	Diaz-Balart	Girardeau



Gordon	Kirkpatrick	Myers
Grant	Kurth	Scott
Grizzle	Langley	Souto
Jenne	Malchon	Thomas
Jennings	McKay	Thurman
Johnson	Meek	Walker

Nays—None

**SB 1658**

Yeas—40

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey

Nays—None

**CS for SB 1758**

Yeas—40

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey

Nays—None

**CS for SB 1766**

Yeas—33

Madam President	Davis	Johnson	Souto
Bankhead	Diaz-Balart	Kirkpatrick	Thomas
Beard	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Walker
Bruner	Girardeau	Langley	Weinstein
Casas	Gordon	Malchon	Yancey
Childers	Grant	Meek	
Crenshaw	Grizzle	Myers	
Dantzler	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Jenne

**CS for SB 1886**

Yeas—35

Madam President	Davis	Jennings	Myers
Bankhead	Diaz-Balart	Johnson	Plummer
Beard	Dudley	Kirkpatrick	Thomas
Brown	Forman	Kiser	Thurman
Casas	Gardner	Kurth	Walker
Childers	Girardeau	Langley	Weinstein
Crenshaw	Gordon	Malchon	Weinstock
Crotty	Grant	McKay	Yancey
Dantzler	Grizzle	Meek	

Nays—1

Bruner

**SB 1906**

Yeas—38

Madam President	Diaz-Balart	Kirkpatrick	Souto
Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Kurth	Thurman
Brown	Gardner	Langley	Walker
Bruner	Girardeau	Malchon	Weinstein
Casas	Gordon	McKay	Weinstock
Crenshaw	Grant	Meek	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Jenne	Plummer	
Davis	Jennings	Scott	

Nays—None

Vote after roll call:

Yea—Childers

**SB 2210**

Yeas—40

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey

Nays—None

**CS for SB 2240**

Yeas—26

Madam President	Gardner	Malchon	Thurman
Brown	Girardeau	Meek	Walker
Casas	Gordon	Myers	Weinstein
Davis	Jenne	Plummer	Weinstock
Diaz-Balart	Johnson	Scott	Wexler
Dudley	Kirkpatrick	Souto	
Forman	Kurth	Thomas	

Nays—13

Bankhead	Crenshaw	Grizzle	McKay
Beard	Crotty	Jennings	
Bruner	Dantzler	Kiser	
Childers	Grant	Langley	

Vote after roll call:

Yea—Yancey

**CS for SB 2292**

Yeas—39

Madam President	Davis	Jennings	Scott
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kirkpatrick	Thomas
Brown	Forman	Kiser	Thurman
Bruner	Gardner	Kurth	Walker
Casas	Girardeau	Langley	Weinstein
Childers	Gordon	Malchon	Weinstock
Crenshaw	Grant	McKay	Wexler
Crotty	Grizzle	Meek	Yancey
Dantzler	Jenne	Myers	

Nays—None

## SR 2442

Yeas—37

Madam President	Davis	Kiser	Thomas
Bankhead	Diaz-Balart	Kurth	Thurman
Beard	Dudley	Langley	Walker
Brown	Forman	Malchon	Weinstein
Bruner	Gardner	McKay	Weinstock
Casas	Gordon	Meek	Wexler
Childers	Grant	Myers	Yancey
Crenshaw	Grizzle	Plummer	
Crotty	Jennings	Scott	
Dantzler	Johnson	Souto	

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick

All Senators voting were recorded as co-sponsors of SR 2442.

## ROLL CALLS ON HOUSE BILLS

## CS for HB 257

Yeas—35

Madam President	Diaz-Balart	Johnson	Souto
Bankhead	Dudley	Kirkpatrick	Thomas
Brown	Forman	Kiser	Thurman
Bruner	Gardner	Kurth	Walker
Casas	Girardeau	Langley	Weinstein
Crenshaw	Gordon	Malchon	Weinstock
Crotty	Grant	McKay	Wexler
Dantzler	Grizzle	Meek	Yancey
Davis	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Childers, Jenne

## HB 259

Yeas—35

Madam President	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Thurman
Bruner	Girardeau	Kurth	Walker
Casas	Gordon	Langley	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey
Davis	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Childers

## CS for HB 337

Yeas—33

Bankhead	Forman	Kurth	Thomas
Beard	Gardner	Langley	Thurman
Brown	Girardeau	Malchon	Walker
Casas	Gordon	McKay	Weinstein
Childers	Grant	Meek	Weinstock
Dantzler	Grizzle	Myers	Yancey
Davis	Jennings	Plummer	
Diaz-Balart	Johnson	Scott	
Dudley	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Bruner, Jenne, Kirkpatrick

## HB 433

Yeas—32

Bankhead	Diaz-Balart	Jennings	Myers
Beard	Dudley	Johnson	Plummer
Brown	Forman	Kiser	Scott
Casas	Gardner	Kurth	Souto
Childers	Girardeau	Langley	Thurman
Crenshaw	Gordon	Malchon	Weinstein
Crotty	Grant	McKay	Weinstock
Davis	Grizzle	Meek	Yancey

Nays—2

Bruner

Walker

## HB 741

Yeas—33

Madam President	Davis	Kiser	Thomas
Beard	Diaz-Balart	Kurth	Thurman
Brown	Dudley	Langley	Walker
Bruner	Gardner	Malchon	Weinstein
Casas	Girardeau	McKay	Weinstock
Childers	Grizzle	Meek	Yancey
Crenshaw	Jennings	Myers	
Crotty	Johnson	Plummer	
Dantzler	Kirkpatrick	Souto	

Nays—3

Forman

Gordon

Grant

## CS for HB 929

Yeas—33

Madam President	Diaz-Balart	Johnson	Thomas
Bankhead	Dudley	Kiser	Thurman
Beard	Forman	Kurth	Walker
Brown	Gardner	Langley	Weinstein
Bruner	Girardeau	McKay	Weinstock
Casas	Gordon	Meek	Yancey
Crenshaw	Grant	Myers	
Crotty	Grizzle	Plummer	
Davis	Jennings	Souto	

Nays—1

Dantzler

## HB 1223

Yeas—39

Madam President	Davis	Jennings	Scott
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Kurth	Thurman
Bruner	Gardner	Langley	Walker
Casas	Girardeau	Malchon	Weinstein
Childers	Gordon	McKay	Weinstock
Crenshaw	Grant	Meek	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Jenne	Plummer	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

## HB 2373

Yeas—38

Madam President	Casas	Davis	Girardeau
Bankhead	Childers	Diaz-Balart	Gordon
Beard	Crenshaw	Dudley	Grant
Brown	Crotty	Forman	Grizzle
Bruner	Dantzler	Gardner	Jenne

Jennings	Malchon	Souto
Johnson	McKay	Thomas
Kiser	Meek	Thurman
Kurth	Plummer	Walker
Langley	Scott	Weinstein

Nays—1

Myers

Vote after roll call:

Yea—Kirkpatrick

**HB 2415**

Yeas—35

Madam President Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Souto
Brown	Dudley	Thomas
Bruner	Forman	Thurman
Casas	Gardner	Walker
Childers	Girardeau	Weinstein
Crenshaw	Gordon	Malchon
Crotty	Grant	Meek
Dantzler	Grizzle	Myers

Nays—None

Vote after roll call:

Yea—Jenne

**HB 2427**

Yeas—38

Madam President Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Scott
Beard	Dudley	Souto
Brown	Forman	Thomas
Bruner	Gardner	Walker
Casas	Girardeau	Weinstein
Childers	Gordon	Malchon
Crenshaw	Grant	McKay
Crotty	Grizzle	Meek
Dantzler	Jenne	Myers

Nays—None

Weinstock  
Wexler  
Yancey

**HB 2441**

Yeas—38

Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kirkpatrick	Thomas
Brown	Forman	Kiser	Thurman
Bruner	Gardner	Kurth	Walker
Casas	Girardeau	Langley	Weinstein
Childers	Gordon	Malchon	Weinstock
Crenshaw	Grant	McKay	Wexler
Crotty	Grizzle	Meek	Yancey
Dantzler	Jenne	Myers	
Davis	Jennings	Plummer	

Nays—None

**ROLL CALL ON LOCAL BILLS**

The following roll call was taken on **SB 550; House Bills 953, 957, 1013, 1099, 1127, 1133, 1251, 1269, 1281, 1321, 1477, 1479, 1485, 1533, 1551, 1553, 1591, 1595, 1611, 1627, 1695, 1947, 2021, 2035, 2281, 2311, 2499 and 2599** which passed this day.

Yeas—40

Madam President Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson
Beard	Dudley	Kirkpatrick
Brown	Forman	Kiser
Bruner	Gardner	Kurth
Casas	Girardeau	Langley
Childers	Gordon	Malchon
Crenshaw	Grant	McKay
Crotty	Grizzle	Meek
Dantzler	Jenne	Myers

Nays—None

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 23 was corrected and approved.

**RECESS**

On motion by Senator Thomas, the Senate recessed at 5:30 p.m. to reconvene at 9:00 a.m., Thursday, April 25.